

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

# SUPPLEMENT TO THE FOURTH EDITION OF THE BENGAL CODE.

BENGAL ACTS, 1915 TO 1923.

CALCUTTA;
THE BENGAL SECRETARIAT BOOK OFFOT.

[Price, Rs. 4.8.]

#### PREFACE.

This supplement to the fourth edition of the Bengal Code contains the Bengal Acts from 1915 to 1923 excepting Bengal Act I of 1917, which was repealed by Bengal Act III of 1923. The foet-notes follow the system referred to in the Preface to Volume I of the fourth edition.

## A. M. HUTCHISON,

Deputy Secretary, Legislative Department, Government of Bengal.

Calcutta; The 1st February, 1924.

#### BENGAL ACT NO. I OF 1915.

## [THE CALCUTTA PORT (AMENDMENT) ACT, 1915].¹

[10th March, 1915.]

An Act further to amend the Calculta Port Act.

1890.

WHEREAS it is expedient further to amend the Ben Actill Calcutta Port Act, 1890;

It is hereby enacted as follows:-

- 1. This Act may be called the Calcutta Port shortable (Amendment) Act, 1915.
- Ben, Act III

  2. After section 13 of the Calentta Port Act. 1890, 187 (c) 1890 the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted, namely:— Act III of the following section shall be inserted.
  - "13A. It shall further be lawful for the Local

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    application made to it
    by the Commissioners in that behalf, the
    amount of pension, grainity or compassionate allowance (if any) which shall
    be paid to the Vice-Chairman on his
    retirement from office, and to determine
    the conditions under which the said
    pension grainity or compassionate allowance shall be so privable.

#### Provided as follows -

(a) the amount of any such pension gratinty or compassionate allowance shall in no case without the special sanction of the Government of India, exceed

The Saveries of theorem and them is one of the ordinary of the anti-ordinary of the ordinary of the saveries of the ordinary o

2 THE CALCUITA PORT (AMENDMENT) ACT, 1915.

[Ben. Act | of 1915.]

(Sec. 2.)

what would be admissible in the ease of Government servants of similar standing and status, and

(b) the conditions aforesaid shall not, without similar sauction, be more favourable than those for the time being prescribed for such Government servants."

#### BENGAL ACT No. 11 OF 1915.

# [THE BENGAL STEAM-BOILERS AND PRIME-MOVERS (AMENDMENT) ACT, 1915],1

[31st March, 1915.]

An Act further to amend the Bengat Steam-boilers and Prime-movers Act, 1879.

WHEREAS it is expedient further to amend the Ben-Ben Act III gal Steam-boilers and Prime-movers Act, 1879, in of 1879. the manner hereinafter appearing;

It is hereby enacted as follows:-

- 1. This Act may be called the Bengal Steamboilers and Prime-movers (Amendment) Act, 1915.
- Ben. Act III Bengal Steam-boilers and Prime movers Act, 1879

  (hereinafter called the said Act), the following shall be substituted, namely:—
  - "Nothing in this Act shall apply-
    - (a) to any locomotive engine used upon any railway or any steam-vessel in the port of Calcutta, or
    - (b) to any boiler or prime-mover used exclusively for domestic purposes at atmospheric pressure, or
    - (c) to any boiler or prime-mover, or class of boilers or prime-movers, which the Local Government may, by order, specify in this behalf."
  - definition shall be inserted after the definition of section 3. in special after the definition of section 3.
    - " 'Inspector' means any person appointed under section 4 to exercise the powers and perform the duties of an inspector under this Act."

<sup>1</sup> For Statement of Objects and Ressues, see Calcatra Gazette, 1915, Pt. IV, p. 4 and for Proceedings in Council see abad, 1915, Pt. IV. 2, pp. 11, 12 and 26 and Bengal Code, Vol. 11

[Ben, Act II

#### (Sec. 4.)

diment of 4. For section 4 of the said Act, the following section shall be substituted, namely:—

"4. (1) The Local Government may from time to time, by notification in the Calcutta Gazette, make rules for carrying out the purposes and objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(a) provide for the appointment of inspectors under this Act:

(b) prescribe the powers and duties of such inspectors and regulate the period of their service:

(c) regulate the grant of leave to such inspectors and authorize the payment of leave allowances to the said inspectors:

 (d) prescribe the remuneration to be paid to any person appointed to act for an inspector during his absence on leave;

(e) prescribe the conditions under which an inspector shall, on retirement, receive a pension, gratuity or compassionate allowance, and the amount of such pension, gratuity or compassionate allowance;

(f) prescribe the conditions under which pension, gratuity or compassionate allowance may be paid to any inspector injured, or to the relatives of any inspector killed. in the execution of his duty, or who may die in such exceptional cirenmstances as would, in the opinion of the Government of India, justify the payment of a pension, gratuity or compassionate allowance to his relatives had he been in Government service, whether the injury or death occurred before or after the commencement ωſ the Steam-hoilers and Prime-movers (Amendment) Act, 1915:

of 1915.]

#### (Sec. 4.)

- (g) fix the fees payable on account of certificates granted under this Act;
- (h) prescribe the time for which certificates granted under this Act shall remain in force;
- (i) provide for the attendance of assessors and prescribe a penalty for nonattendance; and
- (j) regulate the procedure on hearing appeals.
- (3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.
- (4) The date to be specified as that on or after which a draft of rules proposed to be made under this section will be taken into consideration shall not be less than one month from the date on which the draft of the proposed rules was published for general unformation."

#### BENGAL ACT No. III OF 1915.

#### [THE CALCUTTA IMPROVEMENT (AMENDMENT) ACT, 1915].

[14th April, 1915.]

An Act to amend the Calcutta Improvement Act, 1911.

WHEREAS it is expedient to amend the Calcutta of 1911.

And whereas the sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 1892, to section 9 of this Act which affects an Act passed by the Governor General of India in Council:

It is hereby enacted as follows:-

- 1. This Act may be called the Calentta Improve-short title. ment (Amendment) Act, 1915.
- 2. In section 2 of the Calentta Improvement Act, Amendment of the section 2 of the Calentta Improvement Act, Amendment of the section 2 of 1911.

  Brin Act V 1911 (hereinafter called the said Act).—

  Act V of 1911
  - (a) after clause (a), the following definition shall be inserted, namely :-
    - "(aa) 'building line' means a line (in rear of the street alignment) up to which the main wall of a building abutting on a projected public street may lawfully extend';
  - (b) at the end of clause 1f), the words and figures "but does not include a projected public street referred to in section 63" shall be added; and
  - (c) in clause (n), the expression "building line" and the ligure and brackets "(3," shall be repealed.

i For Statement of Olysto and Brasins, so Catestia Gase 1, 1914, [7, 11], p. 89, and for Proceedings in Court, see that In 1914, p. 91, only and see Catestia Garden, 1916, P. 1974, pp. 23 -64 and 67-67.

\*\*Reput Cole, Vol. 111.

The Indian Councils Act, that where he go before the Color in at histories relating to India, 1912, Not 11 has been re-exactly the to reconstitute of India Act.

Ben. Act III

#### (Sec. 3.)

- v section 3. For section 63 of the said Act the following near shall be substituted, namely:—
  - "63. (1) The Board may from time to time in regard to any area—
    - (a) within the Calcutta Municipality, or

Projected public streets

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(b) in the neighbourhood of the said Municipality

make plans of proposed public streets showing the direction of such streets, the street alignment and building line (if any), on each side of them. their intended width and such other details as may appear desirable.

- (2) When a plan of a proposed public street has been made under sub-section (1), the Board shall prepare a notice stating—
  - (a) the fact that such plan has been made,
  - (b) particulars of the land (shown in such plan) through which the proposed public street will pass,
  - (c) the place at which the said plan and particulars may be seen at reasonable hours,
  - (d) the period (which shall be not less than sixty days) within which objections to the said plan may be submitted to the Board;

#### and the Board shall thereupon-

- (i) cause the said notice to be published weekly for two consecutive weeks in the Calcutta Gazette and in local newspapers, and in such other manners the Board may direct, and
- (ii) forward a copy of the said notice to any person whose name appears in the municipal assessment book as being primarily liable to pay the owner's share of the consolidated rate, or the rate on the annual value of holdlings, as the case may be, in respect of any land included within the proposed public street, and

of 1915.]

#### (Sec. 3.)

- (iii) forward a copy of the said natice and of the plan to which it relates to the Chairman of the Corporation and, if any area in the neighbourhood of the Calentta Municipality is included in such plan, to the Chairman of the local authority administering any portion of such area, and
- (iv) canse copies of the said notice and plan to be delivered to any applicant on payment of such fee as may be prescribed by rule made under section 138
- (3) On or after a date (not being less than sixty days from the date of the lifst publication of the notice) to be appointed by the Board in this behalf, the loard shall consider—
  - (a) all objections in writing received from any person affected by the proposed public street contemplated by such plan, and
  - (b) any representation in regard to such street made to the Board by the Corporation or the aforesaid local amberity;

and the Board may therenpon either withdraw the plan or apply to the Local Government for sanction thereto with such modifications (if any) as the Board may consider necessary.

- (4) If the Board apply for sanction as provided in sub-section (3), they shall simultaneously forward to the Local Government a full statement of all objections and representations made to them under the said sub-section.
- (5) When a plan of a proposed public street has been submitted to the Local Government under subsection (3), the Board shall cause notice of the fact to be published for two consecutive weeks in the Calcutta Gazette and in local newspapers.
- (6) The Local Government may sanction, either with or without modification, or may refuse to sanction, any plan of a proposed public street submitted to it under sub-section (3).
- (7) Whenever the Local Government sanctions a plan of a proposed public street, it shall announce the

[Ben: Act III

#### (Sec. 3.)

fact by notification, and the publication of such notification shall be conclusive evidence that the plan has been duly made and sanctioned;

and the proposed public street to which such notification refers shall be deemed to be a projected public street, and shall be so deemed until—

- (a) such street has been declared, under section 65 or section 66, as the case may be, to be a public street, or
- (b) the said notification has been cancelled by another notification:
  - Provided that such cancellation shall not affect the validity of any action taken by the Board in pursuance of the said notification.
- (8) If any person desires to creet, re-erect or add to any wall (exceeding ten feet in height) or building which falls within the street alignment or building line of a projected public street shown in any plan sanctioned by the Local Government under this section, he shall submit an application in writing to the Chairman for permission so to do:

#### Provided as follows :-

- (i) no such application shall be necessary for permission to creet, or re-creet, between a building line and the street alignment,—
  - (a) a porch or balcony, or
  - (b) along not more than one-third of the frontage, an outhouse not exceeding fifteen feet in height;
- (ii) nothing in this sub-section shall relieve any person from the liability to obtain such sanction as it may be necessary to obtain under any law for the time being in force from any local authority.
- (9) The Chairman shall in no case refuse an application submitted under sub-section (δ) if the applicant executes an agreement binding himself and

of 1915.] .

#### (Sec. 3.)

his successors in interest to remove, without compensation, any wall or building to which that application relates, in the event of the Board-

- (a) deciding (at any time after an improvement seheme has been sanctioned nuder section 48 for an area within which such building or wall is situate) that the said wall or building, or any portion thereof, ongbt to be removed, and
- (b) calling upon the owner for the time being, by written notice, to remove the same within a time (not being less than sixty days from the date of the service of the notice) to be specified in the said notice.
- (10) If the Chairman does not, within thirty days from the receipt of an application submitted under sub-section (8), grant or refuse the permission applied for thereunder, such permission shall be deemed to have been granted.

(11) If the Chairman refuses permission to any person to erect, re-erect or add to any wall or building as aforesaid which falls-

- (1) within the street alignment, or
- (ii) between the street alignment and the building line

of a projected public street, the owner of the land on which it was sought to erect, re-erect or add to such wall or building, may call upon the Board. at any time within three months from the date of such refusal, either-

- (a) to pay him compensation for any damage sustained by him in consequence of such refusal, or
- (b) to acquire so much of his land as falls within the street alignment, or between the street alignment and the building line, as the ease may be:

and the Board shall thereupon-

in ease (a), make full compensation to the said owner for any damage which he may be found to have sustained in consequence of such refusal, and

in case (b), forthwith take steps to acquire the said land:

Ben. Act III

#### (Secs 4-6.)

Provided that, in the case of such land as falls within the street alignment only, it shall be optional with the Board to acquire the same in lieu of paying compensation therefor.

(12) An appeal shall lie to the Board from any refusal by the Chairman to grant an application under this section."

Amendment of ction 138.

4. At the end of clause (e) of section 138 of the said Act. the words and figures "or clause (iv) of subsection (2) of section 63" shall be added.

Amendment of

- 5. In section 171 of the said Act, for the words "If any person, without the permission of the Board, erects, re-creets, adds to, or alters any building or wall so as to make the same fall within the street alignment or building line shown in any plan finally adopted by the Board under section 63", the following shall be substituted, namely:—
  - "If any person, without the permission of the Chairman required by section 63, subsection (8), erects, re-erects or adds to any wall (exceeding ten feet in height) or building which falls within the street alignment or building line of a projected public street shown in any plan sanctioned by the Local Government under the said section."

New section

6. After section 171 of the said Act the follow-

ing shall be inserted, namely :-

Penalty for failure to remove wall or building in respect of which agreement has been executed "171A. If the owner for the time being of any wall or building in respect of which an agreement has been executed as provided in section 63, sub-section (9), fails—

- (a) to remove such wall or building, or any specified portion thereof, when so required by notice issued under that sub-section, or,
- (b) within fifteen days from the receipt of such notice, to authorize the Chairman, by permission in writing, to remove the said wall, building or portion,

he shalf be punishable-

(i) with fine which may extend, in the case of a masonry wall or building, to one humbred rapees, and, in the case of a hut, to twenty rapees; and of 1915.]

(Secs. 7-9.)

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- (ii) with further fine which may extend, in the case of a masoury wall or bnilding, to ten rupees, and, in the case of a lut, to five rupees, for each duy after the first during which the failure continues."
- 7. Section 172 of the said Act is hereby repealed.

Repeal of

8. After section 174 of the said Act the follow- 174A ing heading and section shall be inserted, namely:—

New section

" Recovery of expenses.

174A. When a written notice, issued under section 63, sub-section (9), for the building and receivery portion thoreof, is not complied with by the owner thereof for the time being as provided in section 171A, the Chairman may proceed to remove such wall, building or portion and the expenses incurred in effecting such removal shall be recoverable by sale of the materials or other things removed."

After clause (b) in Article 9 of the Schedule to Amendment of Act the following shall be inserted, namely Article 9 of the

- the said Act the following shall be inserted, namely Schedule.

  "(bb) if the market-value has been increased or decreased owing to the land falling within or near to the alignment of a
  - projected public street, so much of the increase or decrease as may he due to such cause shall be disregarded;

    (bbb) if any person, without the permission of the Chairman required by section 63, subsection 63, of the Calcutta Improvement
  - the Chairman required by section 63, subsection (8), of the Calcutta Improvement Act, 1911, has erected, re-erected or added to any wall (exceeding ten feet in height) or building within the street alignment or building line of a projected public street, then any increase in the marketvalue resulting from such erection, reerection or addition shall be disregarded."

Act V

#### BENGAL ACT No. IV OF 1915.

### THE BENGAL EMBANKMENT (SUNDAR-BANS) ACT, 1915].1

[14th April, 1915.]

An Act to extend to the Sundarbans certain enactments relating to Embankments.

WHEREAS it is expedient to extend to the Sundarbans certain enactments relating to embankments:

And whereas the sanction of the Governor General has been obtained, under section 5 of the Indian 66 Conneils Act, 1892, to the passing of this Act:

It is hereby onacted as follows:-

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Art 866

1. This Act may be called the Bengal Embankment (Sundarbans) Act, 1915,

Shorl litle.

2. The following enactments are hereby extended to the Sundarbans, as excluded under section 1 of the enetments to the Sundarbans. et Il Bengal Embankment Act, 1882, namely :

Extension

- (1) the following portions of the Bengal Embankment Act. 1873, namely, section 12, seetion 13, the proviso to section 21, sections 26, 27, 28 and 29, and Schedules B, C and D, subject to the amendments made in the said sections 12, 21 and 26 by the second paragraph of section 2 of the Bengal Embankment Act, 1882; and
- (2) the Bengal Embankment Act, 1882, except such portions thereof as have been repealed.

 (I) The Bengal Embankment Acts, 1855 and 1866, are hereby repealed.

(2) The words and figures "the Sundarbans, as defined under the provisions of clause 2, section 13, Regulation 411 of 4828, and ", in section 1 of the Bengal Embankment Act. 1882, are hereby repealed.

Repeal.

I lungal Cole, Vot 11

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# (THE BENGAL DECENTRALIZATION ACT, 1915).1

[27th October, 1915.]

An Act to decentralize and otherwise to facilitate the administration of certain enactments in force in Bengal.

WHEREAS it is expedient to decentralize and otherwise to facilitate the administration of certain enactments in force in Bengal;

And whereas the sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 1892, to the passing of this Act;

It is hereby enacted as follows :-

1. This Act may be called the Bengal Decentralization Act, 1915.

Short title

2. The enactments specified in the third column certain of the Schodule are hereby amended, to the extent ments and in the manner specified in the fourth column, in the areas specified in the fifth column thereof.

Amendment certain ments.

3. Any appointment, notification, order, scheme, rule, form or by-law made or issued by an authority for the making or issuing of which a new authority is substituted by or under this Act, shall, unless inconsistent with this Act, he deemed to have been made or issued by such rew authority unless and until superseded by an appointment, notification, order, scheme, rule, form or by-law made or issued by such new authority.

Saving orders, etc., lesue by previou authorities

<sup>1</sup> For Statement of Objects and Reasons, see Calcutta Gazette, 1915, Pt. IV, pp. 27 and 28; and for Proceedings in Council, see ibid, Pt. IVA, pp. 422-423 and 465 and

<sup>466 2</sup> The Indian Councils Act. 1892, which is printed in the Collection of Statutes telating to India, 1913, Vol II, has been repealed by the Government of India Act

## . THE SCHEDULE..

## PART I.

## Bengal' Regulations.

Year.	No.	Short Title.	· Amendments,	Areas in which amendments are to have effect
1	2	3	4	5
1793	Ιſ	The Bengal Land-revenue Regulation, 1793.	Clause Tenth of section 8 is repealed	All areas in Bengal which the Regulation is in force.
1810	XIX	The Bengal Charitable En- downents, Public Build- ings and Escheats Re- gulation, 1810.	In section 7, for the words "report to Government whether it should in their opmion" substitute the words "direct whether it should."	Nitto.
1822	VII	The Bongal Land-revenue Settlement Re- gulation, 1822.	In section 10, clause First, second para- graph,—  (i) the amendment made by the Amending Act, 1903, Schedule II, Part I, is repealed; and  (ii) for the words shall be competent to the Governor General in Council" substitute the words "shall be competent to the Local Government or such other authority to whom the power to confirm settlements may be delegated by the Local Government by notification in the local official Gazette."	Ditto.
1825	IX	The Bengal Land-revenue Settlement Re- gulation, 1825.	In section 4, first paragraph,—  (i) omit the worls "and subject to the orders of Government";  (ii) the amendment made by the Amending Act, 1903, Schedule II, Part I, is repealed; and  (iii) for the worls "Governor General in Council" substitute the worls "Board of Revenue.	}  27tto.

## THE SCHEDULE-contd.

## PART II.

Bengal Acts.

Year.	No.	Short Title.	Amendments	Areas in which amendments are to have effect.
I	2	3	4	5
1 e 1866	in	The Calcutta Police Act, 1866		The town of Ca cutta, as defined i section 3.
1871	10.	The Pari Lodg. ing-house Act, 1871.	In section 2, and in section 22, for the words "Licutement-Governor of Bengal" substitute the words "Commissioner of the Division".	
1875	v	The Rengal burvey Act, 1875	I. In section 58, for the words "Board of Revenue" in both places in which they occur, substitute the words "Local Government"  2 In section 63, for the words "With the sanction of the Lieutenant-Governor, the Board of Revenue" substitute the words "The Local Government".	Ditto.
1876	VII	The Land Registration Act,	In section 64, second proviso, for the word "Board" substitute the words "Commissioner of the Division".	Ditto.
1879	IX	The Court of Wards Act, 1879.	In clause (c) of section 5 for the words "Local Government" substitute the word "Court".     In section 15, second paragraph, omit the words "with the sanction of the Lieutenant-Governor" and also the words "with the like sanction".	Ditto
1880	VI	The Bengal Drainage Act, 1880.	In-section 39, for the words "Board of Revenue" substituts the words "Commissioner of the Division".	Ditto
1880	IX	The Cess Act. 1880.	In the definition of "year" in section 4, for the words "Lieutenant-Governor" substitute the words "Board of Revenne"  In section 11, for the words "Lieutsnant-Governor" substitute the words "Board of Revenue".	Ditto.

<sup>1</sup> The entry relating to section 47A (4) of the Calcutta Saburban Police Act, 1866 (Ben Act II of 1866), was mitted by the Devolution Act, 1870 (XXXVIII of 1890), 2, First Seb. Pt. V.

The entry relating to section 78A (4) of the Calcutta Police Act, 1866, was omitted by the same Act.

## THE SCHEDULE—contd

## PART II-contd.

## Bengal Acts-contd.

Year.	No.	Short Title.	Amendments.	Areas in which ' amendments are to have effect.
1	2	3	4	5
		3	3. In section 12,—  (i) for the words "Lieutenant-Governor", in the three places in which they occur, substitute the words "Board of Revenue"; and  (ii) for the word "he" substitute the word "they".  4. In section 14,—  (i) in the first paragraph, for the words "Lieutenant-Governor" substitute the words "Board of Revenue," and after the words "ins ordered" insert the words and figures under section 12"; and  (ii) in the second paragraph, for the words "Lieutenant-Governor" substitute the second paragraph, for the words "Lieutenant-Governor" and	aniendments are to have effect.
			7. In section 36, for the words "Lientenant.Governor" substitute the words "Board of Revenue".  8. In section 37, for the words "Poard of Revenue" substitute the word "Commissioner".	, and the second

Area in which

## 5.

## THE SCHEDULE-contd.

## PART II-contd.

## Bengal Acts-contd.

	No.	Short Title.	Amendmeets.	amendments are to have effect.
	. 2	3	4	. 5
:0	IX	The Cess Act, 1880—contd	9. In section 42, for the words "Lieute- nant-Governor,", in the two places in which they occur, substitute the words "Board of Revenue".	All areas in Bengal in which the Act is in force.
			10. In section 46,—  (i) in sub-section (1), for the words  "Lieutenant-Governor" substitute the words "Board of Revenue"; and	Amendment 10 (1)—All areas in Bengal in which the Act is in force.
	i		(ii) in sub-section (2), for the words from "and the Board of Reve- nue may" to the end of the sub-section, substitute the following:—	Amendment 10 (ii)— All districts in the Chittagung. Dacca and Rajahahi Divi- slons (except the district of Darjeel- ing).
			"and the Collector, If he becomes aware that any separate secount opened under sub-section (1) does oot represent existing facts, may, after service of a notice on the recorded proprietor or manager, and after heaving any objection which may be preferred within asz weeks of such service, cless the account."	(
			11. In section 54, for the words "Lientenant-Governor", in the two places in which they occur, substi- tute the words" Board of Revenue".	Chittagong, Daeca and Rajshahi Divi-
			12. In section 57, for the words "Lieute- nant-Governor" substitute the words "Board of Revenue".	[ ing).
	1	ļ	13 In section 83,—	1
			(*) for the words "Lieutenant-Goveroor" substitute the words "Board of Revenue"; and (ii) for the words "subject to him" substitute the words "within its jurisdiction".	All areas in Bengal in which the Act is in force.

|Ben. Act V

## THE SCHEDULE-contd

## PART II-contd. Bengal Acts-contd.

Year.	No.	Short Title.	Amendments,	Areas in which amendments are to have effect.
1	2	3	4	5,
1880	ız	The Cess Act, 1880—concld.	14. In section 88, for the words "Lientenant-Governor", in the four places in which they occur, sub- stitute the words "Board of Revenue".	
			15. In section 100, for the words "Lientenant-Governor", in the two places in which they occur, sub- stitute the words "Board of Revenue".	All areas in Bengal in which the Act is in force.
			16. In section 101, omit the words "with the canction of the Commissioner".	
			17. In schedule D, for the words 'Licute- nant-Governor' substitute the words "Board of Revenue".	}
1882	II	The Bengal En- bankment Act, 1882.	I. In section 12, for the words "Board of Revenue" substitute the words "Local Government".	
		}	2. Section 13 is repealed.	
			3. In section 14, for the words "such report from the Beard" substitute the words "the report forwarded by the Commissioner".	
			4. In section 15, first paragraph, omit the words "or the ligard of Revenue"	
			5. In section 19, last paragraph, for the words "in the usual manner through the Board of Revenue to the Licaturant-Governor" substitute the words "to the Local Govern- ment".	All areas in Bengal.
			6. In section 61, first paragraph, for the words "Lieutenant-Governor" substitute the words "Commis- sioner of the Division".	
			7. In section 73, for the words "Beard of Revenue" substitute the words "Commissions of the Davision".	

of 1915.]

## THE SCHEDULE-contd.

## PART II-contd.

## Bengal Acts-contd.

Year.	No.	Short Title.	Amendments.	Areas in which amendments are to have effect.
1	2	3	4	5
1890	111	The Calcutta Port Act, 1890.		<del></del>
			mitted to, and approved by, the Local Government."	<u> </u>

[Ben. Act V of 1915.]

## THE SCHEDULE—concld.

## PART II-concld.

## Bengal Acts—concld.

Year.	3 No.	Short Title.	Amendments.	Areas in which amendments are to have effect.			
1	2	,3	4. ; .				
1890	щ	The Calcutta Port Act, 1890.	<ol> <li>In section 99, first paragraph, omit the words "when thereunto required by the Local Government".</li> <li>In section 92, omit the words "with the senction of the Local Government".</li> <li>In section 97, sub-section (1),—         <ul> <li>(i) omit the words "with the sanction of the Local Government"; and</li> <li>(ii) for the words "and with the same sanction" substitute the words "with the sauction of the Local Government".</li> </ul> </li> </ol>	The Port of Calcutta.			

#### BENGAL ACT No. I OF 1916.

### [THE BENGAL SMOKE-NUISANCES (AMEND-MENT) ACT, 1916].

[5th April, 1916.]

An Act to aniend the Bengal Smoke-nuisances Act, 1905.

Ben Act III of 1905. WHEREAS it is expedient to amend the Bengal Smoke-nuisanees Act, 1905, in the manner hereinafter appearing;

It is hereby enacted as follows :-

- 1. This Act may be called the Bengal Smoke- Short title nuisances (Amendment) Act, 1916.
- Plen. Act III 2. For clause (I) of section 3 of the Pengal Smoke-Amendment of nuisances Act, 1905 (hereinafter called the said Act), section 5. the following shall be substituted, namely:—
  - "(1) 'furnace' means any furnace or fireplace used—
    - (a) for working engines by steam, or
    - (b) for any other purpose whatsoever:

Provided that no farnace or fireplace-

- (i) used for the burning of the dead, or
- (ii) used in a private house for bona fide domestic purposes other than the purpose specified in clause (a),

shall be deemed to be a furnace or fireplace within the meaning of this Act."

3. In section 4, sub-section (3), of the said Act, Amend for the words and brackets "One-half of the members section 4 (exclusive of the President)" the following shall be substituted, namely:—

Amendment of ection 4

Amendment of

- "Not more than one-half of the members (including the President)."
- 4. After section 5, sub-section (2), of the said Act, the following shall be inserted, namely :--

"(3) Every Inspector appointed under subsection (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code."

Act XLV of 1860.

<sup>1</sup> For Statement of Objects and Reasons, see Colcutta Gazette, 1915, Pt. 1V, pp. 40 and 41, and for Proceedings in Council, see 1846, Pt. 1VΔ, pp. 466—468 and see Calcutta Gazette, 1916 Pt. 1VΔ, pp. 5 and 6, and 40—43.
3 Rengal Code, Vol. III.
3 General Acts, Vol. 1.

Ben. Act I

## (Sec. 5.)

## Amendment of ection 6

- 5. In section 6 of the said Act,—
  - (a) for clause (a) of sub-section (1), the following shall be substituted, namely:—
    - "(a) the erection or use of any specified class of brick, tile or lime-kilus, or";
- (b) in clause (b) of sub-section (I), after the word "erection" the words "or use" shall be inserted;
- (c) in sub-section (2), after the word "erected" the words "or used" shall be inserted; and
- (d) for sub-section (1), the following shall be substituted, namely:—
  - "(4) If any person makes coke in or upon any building or land in contravention of any notification issued under sub-section (1), clause (d),—
    - (a) such person, and
    - (b) the owner (if he knowingly permits the coke to be made by such person) or the occupier of such building or land

shall be jointly and severally liable to a fine which may extend, ou a first conviction, to twenty-five rupees, and on any subsequent conviction to fifty rupees; and the coke so made may be seized by an Inspector perding the order of the Magistrate.

(5) In any prosecution under sub-section (4), the Magistrate may, besides imposing a fine as aforesaid, record an order directing the confiscation of any coke seized as in that sub-section provided; and, in such a case, it shall be lawful for the Commission to dispose of the same in such manner as the Local Government may, by rule made under section 10, prescribe.

Clause (a) of a sheerilen (II and eab section (2) have been further amended by the Pengel brick balances (Ameniment) Act, 1913 (Ben Act IV of 1923), e. ?, pr 1643 p. 8, p. 8.

of 1916.]

#### (Secs. 6-8.)

- (6) For the purposes of snb-section (4),...
  - (i) the expression "occupier" means any person for the time being paying or liable to pay, to the owner the rent or any portion of the rent of the building or land in respect of which the word is used, and includes an owner living in, or otherwise using, his own building or land; and
  - (ii) the expression "owner" includes the person for the time being receiving the rent of any building or land or of any part of any building or land, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver, or who would so receive such rent if the building, land or part thereof were let to a tenant."
- 6. In section 7, sub-section (1), of the said Act Amendment of after the words "for creeting," the words "or using" method? shall be inserted.
- 7. Section 8, sub-section (2), of the said Act, is Aperdment of hereby repealed.
- 8. After section 8 of the said Act, the following shall be inserted, namely :-
  - "SA. (I) After the commencement of the Bengal Smoke-nuisances (Amendment) Act, 1916, Salmose of place set (a) no furnace, 1918 the or chimney shall be erected, and
    - (b) no furnace, thue or channey, erected prior to the commencement of the said. Act, shall be reserved aftered or added to.

otherwise theo in recordance with plans approved by the Commission.

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ACT, 1916.

Ben. Act I

(Sec. 9.)

- (2) In the event of any contravention of the provisions of sub-section (1), the owner of the furnace, fine or chimney, as the case may be, shall be liable to fine which may extend to one hundred rupees, and, if any such furnace, flue or chimney is used without the permission of the Commission, to a further penalty, not exceeding twenty rupees, for every day during which such wrongful use continues."
- 9. After section 9, sub-section (2), of the said Act Amendment of section 9. the following shall be inserted, namely :-
  - "(3) Notwithstanding anything contained in sub-section (1), the Commission, and, iu any urgent case, the President may, by order in writing, (which shall be produced on demand to the owner, occupier, manager, engineer or person in charge,) authorise any Inspector to enter and inspect without notice and at any time by day or by night any building or place in which the Commission or the President, as the case may be, has reason to believe that a furnace exists or that coke is being made, and to inspect such furnace, building or place:

Provided that if, in any such building, which is a private dwelling-house, there is an apartment in the actual occupancy of a woman who, according to custom, does not appear in public, such Inspector shall, before entering such apartment, notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing.

(4) Whenever the President makes order under sub-section (3), he shall, as soon thereafter as conveniently may be, report the fact to the Commission.

28

of 1916.T

#### (Sec. 10.)

10. In section 10 of the said Act,-

- Amendment of section 10.
- (a) in sub-section (1), the words "with the previous sanction of the Governor General in Council, aud" are hereby repealed;
- (b) for clause (f) of sub-section (2), the following shall be substituted, namely:—
  - "(f) regulate, with due regard to the safety of shipping, the emission of smoke from the furnaces of vessels";
- (c) the word "and" at the end of clause (h) of the same sub-section, is hereby repealed; and
- (d) after clause (i) of the same sub-section, the following shall be inserted, namely:—
  - "(j) regulate the disposal of coke confiscated under section 6, sub-section (5); and
    - (k) prescribe a procedure to give effect to the provisions of section 8A."

Section 10 has been further amended by the Bengal Smoke-musances (Amendment) Act, 1923 (Ben Act IV of 1923), s. 3, printed post, p. 803.

#### BENGAL ACT No. 1 OF 1918.

## [THE BENGAL PUBLIC DEMANDS RE-COVERY (AMENDMENT) ACT, 1918.]

[23rd January, 1918.]

An Act to amend the Bengal Public Demands Recovery Act, 1913.

Ben, Act WHEREAS it is expedient to amend the Bengal Public Demands Recovery Act, 1913,2 in order to provide for a more effective method of realising the contributions to the assets of a Co-operative Society under liquidation and the costs of such liquidation:

It is hereby enacted as follows:-

1. This Act may be called the Bengal Public Démands Recovery (Amendment) Act, 1918.

Short title.

2. After sub-section (1) of section 5 of the Bengal Public Demunds Recovery Act, 1913, the following shall be inserted, namely:—

Amendment of section 5 of Bengal Act III of 1913.

"Provided that no action shall be taken under this Act on a requisition made by a liquidator in pursuance of an older under clause (b) or clause (cd) of sub-section (2) of section 42 of the Co-operative Societies Act, 1912, unless the requisition be countersigned by the Registrar of Co-operative Societies, Bengal".

II of 1912.

11 of 1912

3. After article 12 of Schedule I to the said Act. the following shall be inserted, namely:—

Amendment of Schedule I.

"12-A. Any sum ordered by a liquidator appointed under sub-section (I) of section 42 of the Cooperative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the cost of liquidation".

... Calcutta Gazette, 1917, Pt 1V, p 16,

## (Sec. 2.)

- (3) The publication of a notification under subsection (2) shall be conclusive evidence that the provisions of this Chapter have been duly applied to such eastes or tribes.
- (4) The Local Government may, by a like notification, declare that this Chapter shall, in any district or local area, cease to apply to the Southals mentioned in sub-section (1) or to any easte or tribe to which it may have been applied under subsection (2).
- Restrictions on transfer of the analysis of the raily at or under-raily at of his right in his fenure or holding, or in any portion thereof, by private sale, gift, will, mortgage, lease or any contract or agreement, shall be valid to any extent except as provided in this Chapter.
- "49C. An aboriginal tenure-holder may grant a lease to another aboriginal, to hold the land as a tenure-holder, or to enlitivate it as a raiyat, in accordance with the provisions of this Act.
- "49D. Subject to the provisions of section \$5, an aboriginal raiyat may sub-let his subjecting by raiyat holding to another aboriginal to enlitivate it as an under-raiyat.
- Undirectuary mortgage in or another against the property of any possible event, by any agreement, express or implied, exceed event years, or the period of his own right, whichever is less:

Provided that every mortgage so entered into shall be registered under the Indian Registration Act, 1908.

of 1918.]

#### (Sec 2.)

(2) An aboriginal tenant's power to mortgage his land shall be restricted to only one form of mortgage, namely, a complete usufructuary mortgage.

Explanation.—A 'complete nsufructuary mortgage' means a transfer by a tenant of the right of possession in any land for the purpose of securing the payment of money or the leturn of grain advanced or to be advanced by way of loan, upon the condition that the loan, with all interest thereon, shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage.

Application to Collector for transfer in certain cases-

"49F. (1) If in any case-

- (a) an aboriginal tenure-holder is unable to lease his land as provided in section 49C, or an aboriginal raiyut is unable to sub-let his holding as provided in section 49D, or an aboriginal tenure-holder, raiyat or underraiyat is unable to mortgage his lund to another aboriginal as provided in section 49E, sub-section (I), or
- (b) en aboriginal tenure-holder, raiyat or underraiyat desires to transfer his hand, or any portion thereof, by private sale, gift or will to any person,

he may apply to the Collector for permission, in case (a), to transfer the same to a person who is not an aboriginal, or in case (b), to transfer the same by private sale, gift or will to any person; and the Collector may pass such order on the application as he thinks fit.

- (2) Every such transfer shall be made by registered deed, and before the deed is registered and the land transferred, the written consent of the Collector shall be obtained to the terms of the deed and to the transfer.
- (3) Nothing in this section shall validate a transfer of any land or portion thereof which, by the terms upon which it is field, or by any law or local custom, would not be transferable except for the provisions of this section.

Ben. Act II

## (Sec. 2.)

"49G. No transfer by an aboriginal tenure-holder,

Courts not to register, or recognise as valid, transfers in contravenraivat or under-raivat in contravention of the provisions of this Chapter shall be registered or in any way recognized as valid by any Court,

whether in the exercise of civil, criminal or revenue inrisdiction.

l ower to Collector to set aside improper trans-fers by tenure-holder,

raiyat or under-raiyat.

"49H. (1) If a transfer of a tenure or holding, or any portion thereof, is made by an aboriginal tennre-holder, raiyat or under-raivat in contravention of the provisions of section 49B, or if the

transferce has continued or is in possession in contravention of the provisions of section 49E, sub-section (1, or section 49F, as the case may be, the Collector may, on his own, initiative or on application made in that behulf, by an order in writing, eject the transferce from such tenure, holding or portion:

#### Provided that—

- (a) the transferee whom it is proposed to eject has not been in continuous possession in contravention of this Act for twolve years,
- (b) he is given an opportunity of showing eause against the order of ejectment.
- (2) When the Collector has passed any order under sub-section (1), he shall either-
  - (a) restore the transferred land to the aboriginal tenure-holder, raiyat or under-raiyat, or his heir or legal representative, or
  - (b) failing the transferor or his beir or legal representative, declare that the right of settlement is vested in the handlord subject to the provisions of section 49J, provided that if the right is not exercised one year, the Collector may, within six months, settle the land on behalf of the landlord on such terms as be deems fit with an aborginal; and, if the Collector is unable to make such settlement within the said period, an unrestricted right of settlement will vest in the landlord.

of 1918.]

#### (Sec. 2.)

Resettlement of certain

"49J. (1) Whenever-

- (a) the right of settlement of any tenancy, or any portion thereof, is declared to be vested in the landlord undor clause (b) of sub-section (2) of section 4911, or
- (b) an aboriginal tenant surrenders his tenancy, or a portion thereof, or abandons his residence and ceases to hold his tenancy,

the landlord may, subject to the provisions of sections 86 and 87.—

- (i) settle the tenancy, or a portion threof, with an aboriginal, or
- (ii) with the approval of the Collector in writing settle the same with a person who is not an aboriginal or retain it in his own possession: provided that such approval shall not be withheld if the Collector is satisfied that the surrender or abandonment referred to in this sub-section is not made with the object of evading the provisions of sections 49B, 49E or 49F.
- (2) If any landlord resettles or otherwise deals with any tenancy as aforesaid in contravention of the provisions of sub-section (I), the Collector may take action, so far as may be, in accordance with the provisions of section 49H.
- "49K. Notwithstanding anything in this Act, no Restrictions on sale of decree or order shall be passed by any Court for the sale of the right of Court of an aboriginal tenure-holder, raiyat or under-raiyat in his tenure or holding, or in any portion thereof, nor shall any such right be sold in excention of any decree or order:

#### Provided as follows:-

(a) any tenure or holding belonging to an aboriginal may be sold, in execution of a decree of a competent Court, to recover an arrear of rent which has accrued in respect of the tenure or holding;

Ben. Act II

## (Sec. 2.)

- (b) nothing in this section shall affect any right to execute a decree for the sale of any such tennre or holding, or the terms or conditions of any bona fide contract relating thereto, if such decree was passed, or such contract registered,—
  - (i) in the case of the Sonthals of the districts of Birbhum. Bankum and Midnapore, before the 1st November, 1916, and
  - (ii) in the case of other castes and tribes to which this Chapter has been applied, at least one year before the date of the publication of the notification under section 49A, sub-section (2), in respect to such castes or tribes:
- (c) nothing in this section shall affect any right for the sale of any such tenure or holding for the recovery of any dues which are recoverable as public demands.

stay of execution of execution of a tenure or holding, or any portion thereof, is ordered in execution of a decree against an aboriginal tenure-holder, raiyat or under-raiyat in respect of such tenancy or portion thereof, the Court executing the decree shall allow the tenant reasonable time in which to pay the amount due.

"49M. (1) An appeal, if presented within thirty days from the date of the order appealed against, shall lie to the Collector of the district from any order made under sections 49F, 49H or 49J by any officer in the district exercising the powers of a Collector, and the order of the Collector on appeal shall be final:

Provided that every order pissed by the Collector on appeal shall be subject to revision and modification

by the Commissioner.

(2) Notwithstanding anything in sub-section (1), an appeal from any order made under any of the sections mentioned in that sub-section by an officer acting under Chapter X of this Act shall be to such officer as the Local Government may appoint in this of 1918.1

## (Sec. 2.)

behalf, and the orders of such officer on appeal shall be final:

Provided that, in every such case, every order passed by the said officer on appeal shall be subject to revision and modification by such officer as the Local Government may appoint to deal therewith.

- (3) An appeal, as provided in sub-section (1), shall lie to the Commissioner from any original order made by the Collector of the district under any of the sections mentioned in that sub-section.
- "49N. Nothwithstanding anything in this Act, no suit shall be in any Civil Court to Bar to suite vary or set aside any order passed by the Collector in any proceeding under this Chapter except on the ground of fraud or want of inrisdietion.
- "49 O. Nothing in this Chapter shall affect the validity of any transfer (not other-Say ng of certain transwise invalid) by a tonure-holder, raivat or under-raivat of his tenure or holding, or any portion thereof, made bona fide .-
  - (a) in the ease of the Sonthals of the districts of Birbhum, Bankura and Midnapore before the 1st November, 1916, and
  - (b) in the ease of other castes and tribes to which this Chapter has been applied, at least one year before the date of the publication of the notification under section 49A, subsection (2), in respect to such castes or tribes".

#### BENGAL ACT No. III OF 1918.

## THE BENGAL (ALIENS) DISQUALIFICATION ACT, 1918.11

[20th March, 1918.]

An Act to disqualify certain persons from voting at elections of, or being elected or appointed as members of, or holding office in, local bodies in Bengal.

Whereas it is expedient to disqualify certain Preamble persons from voting at elections of, or being elected or appointed as Commissioners of the Corporation of Calentta or of any other Municipality in Bengal, or as members of District or Local Boards or of Union Committees therein, and also to disqualify them from holding office in any such body:

It is horoby enacted as follows:-

1. (1) This Act may be called the Bengal (Aliens, Short title, commencement Disqualification Act, 1918.

and local extent

- (2) It shall come into force on such date; as the Local Government may direct by notification in the Calcutta Gazette.
  - (3) It extends to the whole of Bengal.

2. In this Act, "India" shall mean British India, Refuition. together with any territories of any Indian Prince or Chief under the suzerainty of His Majesty exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India.

Ben 111 of 1899. Ben. 111 of 1884 Ben 111 of 1855

3. Notwithstanding anything contained in the few rough fall from rough calentta Mnnieipal Act, 1899, the Bengal Mnnieipal stetchens of, or stetchens of, or bolding members of, or bolding members of the few rough and the Bengal Local Self-Government Act of the few rough members of the few rough and the Bengal Local Self-Government act of the few rough members of the few the said Acts, no person who is not a British subject or a subject of any State in India shall be qualified to voto at the election of, or to be a candidate for election as a Commissioner of the Corporation of Calentta or of any other Municipality in Bengal, or as a member of any District or Local Board or Union Committee therein or to hold the office of Chairman, Deputy Chairman or Vice-Chairman of any such body under

bodies

<sup>1</sup> For Statement of Objects and Ressors see Calestra Gatette, 1918, Pt. IV, p. 2. and for Proceedings in Council see stud, Pt. IVA, pp. 128 and 197, and 1982-291

3 The 1st April, 1918, see Notification No. 827M, dated the 21st March, 1918, Calestra Gatette, 1918, 191 III, p. 211

4 The Calentia Materical Act, 1908 has been repealed and restracted by the Calestra Hancipal Act, 1924 (Ben. Act IIII et 1923), Forty 423

Ben. Act ill of 1918.1

## (Sec. 3.)

the Calcutta Municipal Act. 1899, the Bengal Municipal Act. 1884, or the Bengal Local Self-Government Bengal Act of 1885, nor shall such person be appointed to be in the state of 1885, nor shall such person be hold any such in the state of Commissioner or a member or to hold any such in terest.

if, on the date when this Act comes into force, any such person is holding any such office or is a Commissioner of the Corporation of Calcutta or of any other Municipality in Bengal or a member of any District or Local Board or Union Committee therein under any of the said Acts he shall, notwith-standing anything contained in those Acts, be deemed to have vacated his office or seat from such date, and such vacancy shall be filled up in the same manner as if it were caused by resignation duly accepted:

Provided that the Local Government may, by notification in the Calcutta Gazette, exempt from the provisions of this section, with effect from the commencement of this Act or from such date as may be specified in the notification, my person or class of persons who are not British subjects or subjects of any State in India.

<sup>15</sup>ee toot-pote 3 on p. 41 aute.

The words "with the approval of the Governor General in Council" were
omitted by the Devolution Act, 1970 (XXXVIII of 1920), s. 2, First Sch.,

#### BENGAL ACT No. IV OF 1918.

## THE SERAMPORE COLLEGE ACT, 1918.

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#### BENGAL ACT No. IV OF 1918.

### (THE SERAMPORE COLLEGE ACT, 1918).

[1st May, 1918.]

An Act to supplement, and in certain matters to supersede, the Royal Charter of Incorporation and the Statute and Regulations of the Serampore College.

Preamble

Wheneas, on the 23rd day of February, 1827, the institution established in Serampore, Bengal, and known as the Serampore Collego, was incorporated by Royal Charter granted by his late Danish Majesty, King Frederick the Sixth, with the powers and privileges in the said Royal Charter set forth, including the power of conferring upon the students of the said College degrees of rank and honour according to their proficiency in science;

And whereas by Article VI of the Treaty of Purchase, dated the 22nd February, 1845, transferring Scrumpore to the British Government, it was provided that the rights and immunities granted to the Scrampore College by the said Royal Charter, as translated and contained in Schednle I to this Act, should not be interfered with, but should continue in force in the same manner as if they had been obtained by a Charter from the British Government, subject to the general law of British India;

And whereas Statutes and Regulations for the better government of the said College and management of its concerns, as contained in Schedule II to this Act, were, on the 12th day of June, 1833, made and established under the powers conferred by Article 4 of the said Royal Charter;

And whereas, under the provisions of the said Royal Charter, the Council of the College consists of a Master or President and two or four members elected as provided in the said Statutes and Regulations, and the management of the College and its general order and government is vested in the Master and Council, and the said power of conferring degrees of rank and honour is vested in the first Council and their successors for ever;

And whereas it is considered that in order to give effect, under the conditions now existing, to the intentions of his late Danish Majesty and of the founders of the said College, that is to say, to promote

<sup>1</sup> For Statement of Objects and Reasons, see Calcutta Gazette, 1918, Pt 1V, p. 18; and for Proceedings in Council, see shid, Pt. IVA, pp. 198 and 199 and 291-297 and 627-638

Ben, Act tv

## (Secs. 1, 2.)

piety and learning, particularly among the native Christian population of India, the amendment of the constitution of the College, by the enlargement of the Council on an interdenominational basis, with power to delegate some of its functions, in manner hereinafter appearing, is required:

And whereas the present Conneil of the said College consists of the Revorend George Pearce Gonld, M.A., D.D., Master and Plesident, George Barelay Leechman, Esq., Sir George Walson Macalpine, LL.D., the Reverend Robert Forman Horton, M.A., D.D., and the Reverend George Howells, M.A., PH.D., Principal of the College;

And whereas it is deemed expedient by the Governor in Council, with the consent of the said Council of the Serampore College, that a Faculty and Senate be constituted for the said College in manner hereinafter appearing and that snitable standards be imposed in regard to any secular degrees that may hereafter be conforred by the said Council under the terms of the said Royal Charter;

And whereas it is necessary to make provision for the above purposes by subjecting the said Royal Charter, Statutes and Regulations to an Act of the legislature under the general law of British India in accordance with the terms of the aforesaid Treaty;

And whereas the previous sauction of the Governor General in Conneil has been obtained to the passing of this Act;

It is hereby enacted as follows:-

Short title.

1. This Act may be called the Scrampore College Act, 1918.

Constitution of the Council.

- 2. (1) The Conneil of the Serampore College as constituted by the Royal Charter of the 23rd day of February, 1827, shall be colarged so as to consist on the content of the five nor more than sixteen ordinary members, including the Master, as the Conneil may from time to time determine. The first Conneil constituted under this section shall include the present Master and President and the other present members.
- (2) At least one-third of the members of the Council shall be members of the Baptist denomination.

of 1918]

#### (Secs. 3-S.)

- (3) The Master shall be the President of the Council.
- (4) The Principal of the College, if not an ordinary member, shall be an additional member of the Council ex officio during his term of office as Principal of the College.
- (5) Until otherwise determined by by-law made under section 14, three members of the Council shall form a anorum.
- 3. Any incimbor of the Conucil may at any time resign his office by notice in writing to the Master, provided that no such resignation shall be deemed to take effect so long as the total number of members of the Council shall by reason thereof be less than five.

Restonation of

4. On any vacancy occurring in the office of Master the remaining members of the Council shall Master elect another person, whether one of their number or not, to fill his place.

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5. The Conneil shall, within one year from the date of the commencement of this Act, constitute and Faculty appoint in the manner prescribed in section 6 a body to be known as the College Faculty.

College

6. (1) The Faculty shall consist of the Principal (who shall be its President) and such of the professors the and other officials and functionaries of the College as may be appointed by the Council in accordance with by-laws made under section 14.

Constitution of Faculty

- (2) The Council shall from time to time prescribe and declare by order in writing the powers and duties of the Faculty, and may remove any member thereof.
- The Council may delegate to the Faculty all or any of the powers and duties of the Conneil and Conneil's powers Master, which concern only the internal management of the College and its general order and good government.

Delegation of

8. The Council shall, within one year from the date of the commencement of this Act, constitute and the College, appoint in the manuer prescribed in section 9 a body to be known as the Senate of the College.

Ben. Act IV

## (Secs. 9-11.)

Constitution of the Senate. 9. The Senate shall consist of the Principal (who shall be convenor) and not less than twelve nor more than eighteen persons as the Council may from time to time determine, to be appointed by the Council:

#### Provided that-

- (a) at least one and not more than three representatives of each of the following Christian denominations, viz., Anglican. Baptist, Congregational. Lutheran, Methodist, Presbyterian and Syrian, shall, as far as practicable, be members of the Senate;
- (b) at least two-thirds of the members shall be persons other than professors, officials or functionaries of the College;
- (c) not less than one-sixth of the members shall be members of the College Faculty.

Term of office of members of the Senate.

10. (1) Subject to the provisions of clause 11 of the Statutes and Regulations of the College, which shall be deemed to apply to members of the Senate, each member of the Senate shall hold office for a period of five years, at the expiration of which period he shall refire, but he shall be eligible for re-appointment:

Provided that the Principal shall not, during the term of his office as Principal, be subject to retirement, unless he becomes disqualified under the provisions of chanse 11 of the Statutes and Regulations.

(2) Any member of the Senate may, by notice in writing to the Master, resign his membership at any time.

Duties of the benste

11. The Senate shall frame courses of study and make rules for the conduct of examinations, and shall, subject to the control of the Connell, determine the qualifications for degrees and diplomas, and do and perform all other matters and things necessary or proper for or relating to the determination of the eligibility of candidates for degrees, diplomas and certificates to be conferred by the Council.

of 1918.]

#### (Secs. 12-14.)

12. Subject to the provisions of this Act, the Power of the Senate shall make rules and regulations for the conrules and vening of its meetings and for the proper conduct of regulations ita lutsiness.

13. If, at any time, the Conneil shall intend to grant degrees in any branch or branches of knowledge and seience other than theology, such degrees shall be confined to students who shall have received regular instruction at the Scrampore College; and before the Council proceeds to grant such degrees, it shall satisfy the Government as defined in section 2 (b) of the Indian Universities Act, 1904, in relation to the University of Calentta as to the adequacy-

- (1) of the establishment and equipment of the College:
- (2) of the academic standard to be maintained: and
- (3) of the financial provision made therefor:

Provided that the said Government, on ceasing to be so satisfied, may withdraw their approval of the granting of such degrees.

14. Subject to the provisions of this Act and of the said Royal Charter, Statutes and Regulations, so Connect to far as they are not inconsistent therewith, the Council shall make by-laws providing for and tegulating the following matters, namely :-

Power of the make by daws

- (a) the convening of meetings of the Council;
- (b) the quorum to be required at meetings of the Conneil and the conduct of business at such meetings:
- (c) the appointment of members of the Council, Faculty and Senate:
- (d) the duties to be performed by the Faculty under the direction and control of the Council:
- (c) the conferring of degrees, diplomas and certificates on the recommendation of the Senate,

<sup>6</sup> Clause (b) of section 2 of Act VIII of 1906 was partially repeated by the Calcutta University Act, 1911 (VIII of 1911), 6 5, 800.

Ben, Act IV

## (Sec. 15.)

- (f) the terms and tenure of appointments, duties, emoluments, allowances and superannuation allowances of the Principal, Professors, Fellows, Tutors and other officers of the College and of its servants:
- (g) the finances and accounts of the College and the investment of its funds:
- (h) the person or persons by whom, and the manner and form in which, contracts by or on behalf of the College may be entered into, varied or discharged, and deeds, agreements, contracts, cheques, and other negotiable instruments and documents may be signed or executed on behalf of the College, and minutes and proceedings of meetings of the Council, Faculty or Senate may be authenticated or evidenced so as to hind the College and be receivable in evidence in accordance with the provisions of the Indian Evidence Act, 1872¹;

I of 18

- (i) the custody and use of the common seal;
- (j) generally all such other matters as may be required or authorized under this Act and the said Royal Charter, Statutes and Regulations, so far as they are not inconsistent with this Act.

15. The provisions of the said Royal Charter and of the Statutes and Regulatious made thereunder, so far as they are contrary to or inconsistent with any of the terms of the Act, shall be deemed to be superseded from the date of the commencement of this Act:

Provided that nothing In this Act shall render invalid any acts performed, duties imposed or liabilities incurred prior to the date on which this Act comes into force in acrordance with the terms of the said Royal Charter, and of the Statutes and Regulations made thereunder.

General Acts, Vol. II

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of 1918.1

(Schedule I.—Charter of Incorporation of the Serampore College.)

#### SCHEDULE I.

[See Preamble and sections 2 (1), 14 and 15.]

Charter of Incorporation of the Serampore College.

WE Frederick the Sixth, by the Grace of God King of Denmark, the Venders and Gothers, Duke of Slesvin Holsten, Stormarn, Ditmarsken, Limesshorg and Oldenborg, by these writings make known and publicly declare, that whereas William Carey and Joshna Marshman, Doctors of Divinity, and John Clark Marshman, Esq., inhabitants of our town of Frederiksnagoro (or Serampore) in Bengal, being desirous of founding a College to promote piety and learning particularly among the native Christian population of India, have to seeure this object creeted suitable buildings and purchased and collected suitable books, maps, etc., and have humbly besought us to grant unto them and such persons as shall be elected by them and their successors to form the Council of the College in the manner to be hereafter named, our Royal Charter of Incorporation that they may the more effectually earry into execution the purposes above-mentioned :- We being desirous to encourage so laudable an undertaking have of our special grace and free motion ordained, constituted, granted and declared, and by these presents We do for ourselves, our beirs and successors ordain, constitute, grant and declare:

- 1. That the said William Carey, Joshua Marshman and John Clark Marshman, and such other person or persons as shall successively be elected and appointed the Council of the said College, in the manner hereafter mentioned, shall by virtue of these presents be for ever hereafter one body politic and incorporate by the name of the Scrampore College for the purposes aforesaid to have perpetual succession and to have a common seal and by the said name to sue and to be sued, to implead and be impleaded, and to answer and be answered unto in every court and place belonging to us, our heirs and successors.
- 2. And We do hereby ordain, constitute and declare that the persons hereby incorporated and their

Ben. Act IV

## (Schedule I.—Charter of Incorporation of the Serampore College.)

successors shall for ever be competent in law to purchase, hold and enjoy for them and their successors any goods and chattels whatsoever and to receive, purchase, hold and enjoy, they and their successors, any lands, tenements or hereditaments whatever and that they shall have full power and authority to sell, exchange or otherwise dispose of any real or personal property to be by them acquired as aforesaid, unless the sale or alienation of such property be specially prohibited by the donor or donors thereof, and to do all things relating to the said College or Corporation in as ample a manner or form as any of our liege subjects, or any other body politic or corporate in our said kingdom or its dependencies may or can do.

And We do hereby ordain, grant and declare that the number of Professors, Fellows or Student Tutors and Students shall be indefinite and that the said William Carey, Joshua Marshman and John Clark Marshman shall be the first Council of the said College, and that in the event of its appearing to them necessary during their lifetime, or in the case of the death of any one of the three members of the said first Council, the survivors or survivor shall and may under their respective hands and seals appoint such other person or persons to be members of the Council of the College, and to succeed each other so as to become members of the said Council in the order in which they shall be appointed, to the intent that the Council of the said College shall for ever consist of at least three persons.

4. And We do hereby further ordain, grant and declare, that for the better government of the said College and the better management of its concerns, the said William Carey, Joshua Marshman and John Clark Marshman, the members of the first Council, shall have full power and anthority for the space of ten years from the date of these presents, to make and establish such Statutes as shall appear to them useful and necessary for the government of the said College, in which Statutes they shall define the powers to be entrusted to their successors, to the Professors, the Fellows or Student Tutors and the other officers thereof, and the dmies to be performed by these respectively for the management of the estates, lands, revenues and goods-and of the lineiness of the said College, and the manner of proposing, electing, admitting and removing all and every one of the Conneil, the

· of 1918.]

## (Schedule I.—Charter of Incorporation of the Serampore College.)

Professors, the Fellows or Tutors, the officers, the students and the servants thereof, and shall make and establish generally all such other Statutes as may appear to them necessary for the future good government and prosperity of the said College, provided that these Statutes be not contrary to the laws and Statutes of our realm.

- And We do hereby further ordain, grant and declare that the Statutes thus made and established by the said three members of the first Conneil and given or left in writing under their respective hands, shall he valid and in full force at the expiration of ten years from the date of these presents, so that no future Council of the College shall have power to alter, change or vary them in any manner whatever, and that the Statutes shall for ever be considered the constitution of the said College. And Wo do herehy appoint and declare that these Statutes shall be made and established by the said William Carey, Joshna Marshman and John Clark Marshman alone, so that in ease either of them should die hefore the expiration of ten years, the power of completing or perfecting these Statutes shall devolve wholly on the survivors or survivor; and that in ease all three of them should die before the expiration of ten years, the Statutes which they have left in writing under their hands, or under the hand of the last survivor among them, shall be eonsidered "The Fundamental Statutes and Constitution of Serampore College", incapable of receiving either addition or alteration, and shall and may be registered in our Royal Court of Chancery as "The Statutes and Constitution of Serampore College".
- 6. And We do herely further appoint, grant and deelare that from and after the completion of the Statutes of the said College in the above said time of ten years, the said College in the above said time of ten years, the said Conneil of the College shall be deemed to consist of a Master or President and two or four members who may be Professors or otherwise as the Statutes may direct so that the said Conneil shall not contain less than three, nor more than five persons, as shall be defined in the Statutes. The Conneil shall ever be elected as the Statutes of the College may direct, yet the said Master or President shall always previously have been a member of the College; and upon the decease of the said Master or President, the Conneil of the said College shall be unable to do any act or deed until the appointment of a new Master or

Ben. Act IV

## (Schedule 1.—Charter of Incorporation of the Serampore College.)

President, save and except the appointment of such a Master.

7. And We further appoint, grant and declare that the said William Carey, Joshua Marshman and John Clark Marshman, the members of the first Council, and their successors for ever, shall have the power of conferring upon the students of the said College, native Christians as well as others, degrees of rank and honour according to their proficiency in as ample a manner as any other such College, yet the said Serampore College shall only have the power of conferring such degrees on the students that testify their proficiency in Science, and no rank or other special right shall be connected therewith in our dominions. And We do hereby further appoint, grant, and declare, that after the expiration of the said ten years, the said Council of the College and their successors tor ever shall have power to make and establish such orders and by-laws as shall appear to their useful and necessary for, the government of the gaid College, and to alter, suspend or repeal those already made, and from time to time make such new ones in their room as shall appear to them most proper and expedient provided the same be not repugnant to the Statutes of the College or the laws of our realin, and that after the expiration of these ten years any member of the Conneil shall have power to move the enactment of any new by-law, or the alteration, suspension or repeal of any existing one provided notice of such motion shall have been delivered in writing to the Master and read from the Chair at one previous meeting of the Council of the said College, but that no such motion shall be deemed to have passed in the affirmative, until the same shall have been discussed and decided by hallot at another meeting summoned especially for that purpose, a majority of the members then present having voted in the allirmative; and in this as in all other cases, if the votes be equal, the Master or President shall have the easting vote.

> Given at our Royal Palace in Copenhagen on the twenty-third day of February in the year of our Lord one thousand eight hundred and twenty-seven, in the nineteenth year of our reign.

> > Under our Royal Hand and Seal,

of 1918.]

(Schedule II.—Statutes and Regulations of the Serampore College.)

#### SCHEDULE II.

[See Preamble and sections 10 (1), 14 and 15.]

Statutes and Regulations of the Serampore College.

June 12th, 1833.

- 1. Article the Third of the Charter granted by His Danish Majesty, having authorized the first Conneil of Scrampore College in their life-time to nominate number their hand and seal such other person or persons for colleagues or snecessors as may to them appear most proper so that the Conneil shall always consist of at least three persons, their snecessors in the Conneil shall be competent in like manner to nominate in their life-time under their separate hand and seal such person or persons as they may deem most proper to their demise; members thus nominated and closen shall sneceed to the Council in order of their nomination.
- 2. It being fixed in the Charter that the Council must consist of the Master or President and at least two, but not more than four members, and that on the demise of the Master no act shall be done until another be elected, the Master and Council for the time being shall appoint the next Master under their separate hand and scal. If on the demise of a Master no one be found thus appointed under the land and scal of a majority of the Council, the senior member of the Council shall succeed as Master.
- 3. The Charter having given the easting vote to the Master, in all cases when the votes are equal the casting vote shall lie with the Master, and if there be no Master, it shall lie with the Senlor Member of the Council.
- 4. Learning and picty being peculiar to no denomination of Christians, one member of the Conneil may at all times be of any other denomination besides the Baptist to preserve the original design of the Institution. However if on the electron of a Mister a number of the Council be equally divided, that part which is entirely of the Baptist denomination shall have the casting vote, whether it includes the Master or not.

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## (Schedule 1.—Charter of Incorporation of the Serampore College.)

President, save and except the appointment of such a Master.

And We further appoint, grant and declare that the said William Carey, Joshua Marshman and John Clark Marshman, the members of the first Council, and their successors for ever, shall have the power of conferring upon the students of the said College, native Christians as well as others, degrees of rank and honour according to their proficiency in as ample a manner as any other such College, yet the said Serampore College shall only have the power of conferring such degrees on the students that testify their proficiency in Science, and no rank or other special right shall be connected therewith in dominions. And We do hereby further appoint, grant, and declare, that after the expiration of the said ten years, the said Council of the College and their successors for ever shall have power to make and establish such orders and hy-laws as shall appear to them useful and necessary for, the government of the said College, and to alter, suspend or repeal those already made, and from time to time make such new ones in their room as shall appear to them most proper and expedient provided the same he not repugnant to the Statutes of the College or the laws of our realm, and that after the expiration of these ten years any member of the Council shall have power to move the cnaetment of any new by-law, or the alteration, suspension or repeal of any existing one provided notice of such motion shall have been delivered in writing to the Master and read from the Chair at one previous meeting of the Conneil of the said College, but that no such motion shall be deemed to have passed in the affirmative, until the same shall have been discussed and decided by ballot at another meeting summoned especially for that purpose, a majority of the members then present having voted in the affirmative; and in this as in all other cases, if the votes be equal, the Master or President shall have the casting vote.

> Given at our Royal Palace in Copenhagen on the twenty-third day of Fobruary in the year of our Lord one thousand eight hundred and twenty-seven, in the nineteenth year of our reign.

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June 12th, 1833,

- 1. Article the Third of the Charter granted by His Danish Majesty, having authorized the first Council of Scrampore College in their life-time to nominate under their hand and seal such other person or persons for colleagues or successors as may to them appear most proper so that the Council shall always consist of at least three persons, their successors in the Council shall be competent in like manner to nominate in their life-time under their separate hand and seal such person or persons as they may deem most proper to fill vacancies then existing or which may occur on their demise; members thus nominated and chosen shall succeed to the Council in order of their nomination.
- 2. It being fixed in the Chartor that the Council must consist of the Master or President and at least two, but not more than four members, and that on the demise of the Master no act shall be done until another be elected, the Master and Council for the timo being shall appoint the next Master under their separate hand and seal. If on the demise of a Master no one be found thus appointed under the hand and seal of a majority of the Council, the senior member of the Council shall succeed as Master.
- 3. The Charter having given the easting vote to the Master, in all cases when the votes are equal the casting vote shall lie with the Master, and if there be no Master, it shall lie with the Senior Member of the Council.
- 4. Learning and piety being peculiar to no denomination of Christians, one member of the Council may at all times be of any other denomination besides the Baptist to preserve the original design of the fustitution. However if on the election of a Master a number of the Council be equally divided, that part which is entirely of the Baptist denomination shall have the easting vote, whether it includes the Master or not.

[Ben. Act IV

## (Schedule II.—Statutes and Regulations of the Scrampore College.)

- 5. The management of the College, including its revenues and property, the choice of the Professor and Tutors, the admission of students, the appointment of all functionaries and servants and the general order and government of the College, shall ever be vested in the Master and the Council. The Master shall see that the Statutes and Regulations of the Council be duly carried into effect, and take order for the good government of the College in all things. His signature is necessary to the validity of all deeds, instruments, documents and proceedings.
- 6. "The first Council and their successors for ever" being authorized by the Charter "to confer such degrees of rank and hononr as shall encourage learning" in the same manner as other Colleges and Universities, they shall from time to time confer degrees in such branches of Knowledge and Science as may be studied there, in the same manner as the Universities in Denmark, Germany and Great Britain. In doing this the Master and Council shall ad libitum call in the aid of any or all the Professors of Serampore College. All such degrees shall be perfectly free of expense to the person on whom they may be conferred, whether he be in India; Europe or America.
- 7. No oaths shall be administered in Serampore College either to the Members of the Conneil, the Professors and Tutors, or the students. In all cases a solemn promise, duly recorded and signed by the party, shall be accepted instead of an oath.
- 8. Marriage shall be no bar to any office or situation in Scrampore College, from that of the Master to that of the lowest student.
- 9. The salaries of the Professors and Tutors in Serumpore College shall be appointed and the means of support for all functionaries, students and servants be regulated by the Conucil in such manner as shall best promote the objects of the Institution.
- 10. It is intended that neither the Master nor any Member of the Council in general shall receive any salary. But any Master who may not previously reside in the College shall have a residence there free of rent for himself and his family. And if the Council

of 1918.]

## (Schedule II.—Statutes and Regulations of the Serampore College.)

shall elect any one in Europe or in America, whom they deem eminent for learning and piety, a member of the Council, with a view to choosing him Master sbould they on trial deem him worthy, the Council shall be competent to appoint him such salary as they may deem necessary, not exceeding, however, the highest given to a Professor.

- 11. As the founders of the College deem the helicf of Christ's Divinity and Atonoment essential to vital Christianity, the promotion of which is the grand object of this Institution, no one shall be eligible to the College Council or to any Professorship who is known to oppose these doctrines, and should any one of the Professors or any member of the Council nnhappily change his views after his election as to oppose these fundamental doctrines of Christianity, on this heing clearly and decidedly proved from his teaching or his writings, he shall vacate the office he previously held. But every proceeding of this nature on the part of the College Conneil shall he published to the Christian world with the proofs on which It may rest, as an Appendix to the sneceeting Report.
  - 12. Members of the Council are eligible from among the Professors of the College, or from among any in India, Europe, or America, whom the College Conneil may deem suitable in point of learning, piety, and talent.
  - 13. Students are admissible at the discretion of the Council from any body of Christians, whether Protestant, Roman Catholic, the Greek, or the Armenian Church; and for the purpose of study, from the Musalman and Hindu youth, whose habits torbid their living in the College. No easte, colour, or country shall bar any man from admission into Serampore College.
  - 14. Expulsion shall be awarded in cases of open immorality, incorrigible .dleness, neglect of the College Statutes and Regulations, or repeated disobedience to the officers of the College.
  - 15. Any person in India, Europe or America shall be at liberty to found any Professorship, or to attach to Serampore College any annual exhibition or

[Ben. Act IV of 1918.]

## (Schedule II.—Statutes and Regulations of the Serampore College.)

prize for the encouragement of learning in the same manner as in Universities of Great Britain, regulating such endowment according to their own will; and it shall be the duty of the College Council to earry such benefactions into effect in strict consonance with the will of the donors as far as shall be consistent with the Statutes of the College.

- 16. It shall be lawful for the first Council of the College or their successors to make and rescind any by-laws whatever, provided they be not contrary to these Statutes.
- 17. The Charter having declared that the number of the Professors and Students in Serampore College remains unlimited, they shall be left thus unlimited, the number to be regulated only by the gracious providence of God and the generosity of the public in India, Europe and America.

#### BENGAL ACT No. V OF 1918.

# [THE CHITTAGONG PORT (AMENDMENT) ACT, 1918].1

[18th September, 1918.]

An Act to amend the Chittagong Port Act, 1914.

WHEREAS it is expedient to amend the Chittagong Port Act, 1914, in the manner hereinafter appearing;

It is hereby enacted as follows:-

- 1. This Act may be called the Chittagong Port Short title (Amendment) Act, 1918.
- 2. In section 58 of the Chittagong Port Act, Amendment of Section 68 of Bengal Act V of Port Act V o
  - (1) sub-section (2), and
  - (2) in sub-section (3), the words, figure and brackets "Subject to the limits enacted by sub-section (2)",

shall be omitted.

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, see Calcutta Gazette, 1918, Pt. 1V, p 130; and for Proceedings in Council, see , bid, Pt. IVA, pp 921-924

Bengst Code, Vol 111



## BENGAL ACT No. I OF 1919.

## THE CALCUTTA HACKNEY-CARRIAGE ACT, 1919.

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#### RENGAL ACT No. 1 OF 1919.

## THE CALCUTTA HACKNEY-CARRIAGE ACT. 1919).1

[15th January, 1919.]

An Act to consolidate and amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta.

Whereas it is expedient to amend the law relating to hackney-carriages and palanquins and to make ecrtain provisions with regard to rickshaws in Calcutta:

It is hereby enacted as follows:-

#### CHAPTER I.

#### PRELIMINARY.

- 1. (1) This Act may be called the Calcutta Hacknev-carriage Act, 1919;
  - Shore title commenceme and extent.

Furthe r

- (2) It shall come into force on such date as the Local Government may, by notification, direct; and
- (3) It shall apply in the first instance only to Calcutta.
  - 2. The Local Government may, by notification :-
    - (a) extend this Act, or any portion thereof, to any to extent, other town or local area: or

(b) exclude from, or include in, Calcutta, or any other town or local area to which this Act is extended under clause (a), any local area in the vicinity of the same and defined in the notification:

Provided that no notification under this section shall be published in respect of any area included in a Military Cantonment without the previous sauction of the Governor General in Council;

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titions.

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# (Chapter I.—Preliminary.—Secs. 3, 4.)

Provided also that, before finally publishing any notification under this section, the Local Government shall publish a draft of the same in such manner as they may think fit, and any rate-payer or inhabitant of the area affected by such draft may, if he objects to the draft, suhmit his objection in writing to the Local Government within six weeks from its publication, and the Local Government shall take such objection into consideration.

- 3. (1) The Calcutta Hackney-earriage Act, 1891, is hereby repealed.
- (2) This repeal shall not affect the validity of anything done or suffered, or of any right, title, obligation or liability which may have accrued under the said Act; and all registrations made, licenses issued, penalties incurred, and other things duly done under the said Act shall, so far as they are consistent with this Act, he deemed to have been respectively made, issued, incurred or done bereunder.
- (3) All proceedings now pending, which may have been commenced under the said Act, shall be deemed to be commenced under this Act.
- 4. In this Act, unless there is something repugnant in the subject or context,-
- (1) "bearer" when used with reference to rickshaws includes any person employed to draw or push a rickshaw:
- (2) "Calentta" means, subject to the exclusion or inclusion of any local area by notification under clause (b) of section 2, the area described in Schedule I to the Calcutta Municipal Act, 1899;

Ben. Act III of 1892

(3) "the Commissioner of Police" means officer appointed under section I of the Calcutta Police Ben, Act. IV Act. 1866;

of 1866

t Bengal Act III of 1991 as been repealed and re-marted by the Calcutta Muni-cipal Act, 1973 (10 n. Act III of 1973), and this release coshould now be construed as a reference to Scholadie I of the latter, 4ct

Hengal Cale, Vol 11

# (Chapter II.—Registration of Hackney-carriages,— Secs. 5, 6.)

- (4) "hackney-carriage" means any vehicle, drawn hy horses and used for the conveyance of passengers, which is kept, offered or plies for hire by the hour or day or according to distance:
  - (5) "horse" includes mule and pony;
- (6) "notification" means a notification published in the Calcutta Gazette:
- (7) "palanquin" means a vehicle for the conveyance of passengers which is carried by men:
- (8) "rickshaw" means a two-wheeled vehicle for the conveyance of passengers which is drawn by a man or men; and
- (9) "stage-carriage" means any hackney-carriage, the passengers in which pay or are charged separate and distinct farcs, or pay or are charged at the rate of separate and distinct farcs, for their respective places or scats therein or conveyance thereby.

### OHAPTER II.

### REGISTRATION OF HACKNEY-CARRIAGES.

5. Every hackney-carriage in Calcutta shall be thackneyannually registered by a Registering Officer, on such canages date as the Commissioner of Police may direct.

to be annually

6. (1) The Registering Officer shall be a Deputy Commissioner of Police specially appointed by the tering officer. Local Government for this purpose, and he shall keep a register in which he shall enter every backneycarriage under the class prescribed therefor by by-law made under section 71.

Dather of Beria-

(2) Every act, matter or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the control of the Commissioner of Police

Ben, Act 1

(Chapter II.—Registration of Hackney-carriages.— Secs. 7-10.)

Power to Registerm; Officer to delegate his functions.

7. The Registering Officer may, with the sanction of the Commissioner of Police, by general or special order in writing, delegate to any police-officer, not below the rank of sergeant, all or any of the powers and duties conferred or imposed upon the Registering Officer by this Act or any by-law made thereunder, except those conferred or imposed apon sections 8, 9, 12, 24, 25, 30, 32 and 61.

Procedure registration.

- for 8. (1) Any person who is desirous of registering a hackney-carriage, shall apply to the Registering Officer, stating the class in which he desires that the carriage may be registored, and shall submit the carriage for the inspection of the Registering Officer.
  - (2) The Registering Officer shall satisfy himself that the municipal tax imposed upon such carriage for the current half-year has been paid, and decide whether the carriage is fit to be registered in the class applied for, and shall register it in that class or refuse to grant the application.
  - (3) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purposes of this Aet.

License carriage.

- 9. (1) The Registering Officer shall, at the time for of registration, upon payment of such fee as may be fixed by by-law made under clause (f) of section 71, deliver a license, duly signed by him, to the owner of every hackney-carriage.
  - (2) Such license shall, if not cancelled or suspended. continue in force for one year from the first day of the month in which the carriage is registered.

l'articulars register and license

- 10. The following particulars shall be entered in the register, and shall be specified in the liceuse to be given to the owner :--
  - (a) the class, and the number assigned to the carriage in the register;
  - (b) the name and residence of the owner, the description of the carriage, and the place where such carriage is to be kept;

# (Chapter II.—Registration of Hackney-carriages.— .. Secs. 11-13.)

- (c) the number and description of horses to be employed in drawing such carriage:
- (d) the number of passengers the earriage is licensed to carry:
- (e) the date on which the license was granted; hnı
- (f) such other particulars as may be prescribed by by-law made under section 71;

and a certified copy of such particulars shall be furnished to every person applying for the same on payment of a fee of eight annas.

11. (1) The owner of every backney-carriage Production registered under this Act shall, on receipt of a notice inspecion writing in this behalf, produce the carriage before really. the Registering Officer, for inspection, at such time as may be specified in the notice within two weeks after the expiration of six months from the date of every such registration.

ha

- (2) If the owner of any such carriage fails to produce the same for inspection in accordance with the provisions of sub-section (1), he shall be liable to a fine not exceeding five inpees for every day during which, after the expiry of the period specified in sub-section (1) and before the earriage is produced for inspection, the carriage is used as a lackney-carriage. and, in default of payment of line, to simple imprisonment for a period not exceeding fourteen days.
- 12. The Registering Officer may cancel or suspend. for such period as he thinks fit, the registration of camage any earringe and the license granted to the owner may be cancelle under this Act, whenever it appears to him that such earriage is unfit for public use, or the horse used therewith is not licensed for that class of carriage, or the harness used with such borse is unfit for public use.

Registration c 2 n licens or esspended.

13. (1) Whenever any change takes place in the Notice to be ownership of a hackney-carriage, if the person to rive of charge contents. whom such carriage is transferred desires to use it as

Ben, Act f

# (Chapter II.—Registration of Hackney-carriages.— Secs. 14, 15.)

a hackney-carriage, he shall, before so using it, give to the Registering Officer notice in writing of such trausfer.

- (2) Every such notice shall contain the particulars specified in clauses (a), (b) and (c) of section 10.
- (3) If any such person, before giving such notice as aforesaid, uses such carriage as a hackney-carriage, he shall be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.
- (4) Every owner of a hackney-carriage registered under this Act shall, within fourteen days of the transfer of such carriage to another person, or of the discontinuance of the use of the carriage as a hackneycarriage, give notice thereof to the Registering Officer, in the case of a transfer stating the name and residence of the transferee.
- (5) If any such owner fails to give notice in accordance with the provisions of sub-section (4), he shall be liable to a fine not exceeding five rapees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Notice to be given of change of owner's ress-dence or place where carriage is kept.

- 14. (1) Whenever the owner of a hackney-carriage registered under this Act changes his residence or the place where such earriage is kept, he shall, within one week from the date of such change, give to the Registering Officer a notice in writing thereof.
- (2) Every such owner who neglects to give such notice shall be liable, for every such offence, to a fine not exceeding five rapees, and, in default of payment of fine, to simple imprisonment for a period not execeding seven days.

of ownership

15. The Registering Officer, on receiving a notice ander section 13, sub-section (1) or (1), or section 14, entered in region sub-section (1), or after a conviction under section 13, sub-section (3) or (5), or section 11, sub-section (2), shall make the necessary alteration in the register and in the license.

#### 1919

of 1919,]

(Chapter II.-Registration of Hackney-carriages.-Sec. 16.)

16. (1) If any backney-carriage is used as such Penalty nating unrewithout having been duly registered under this Act, carriage, the owner of such carriage shall be liable to a fine not exceeding one hundred rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding three months.

(2) Any police-officer, or any person duly authorized by the Commissioner of Police in that behalf, may seize such carriage together with the horses and harness thereof and remove the same to a policestation .

Provided that, if it be proved on arrival at the police-station or afterwards that any horse so removed has been duly registered under this Act with its barness, that horse and harness shall be released forthwith:

Provided also that any carriage so removed shall be released on the owner Thereof furnishing scenrity to the satisfaction of the officer in charge of the policestation for the production of the carriage when required.

- (3) Any carriage seized under sub-section (2) which is not released under the second provise thereto, may be detained at the police station or sent to the Registration office and detained there, until any fine imposed by the Magistrate has been paid.
- (4) If the hackney-carriage so seized be not claimed and if any fine imposed be not paid, together with any costs or charges incurred, within fifteen days of such seizure or imposition of such fine, respectively, such carriage may he sold by anction, after previous advertisement of such auction, and the sale-proceeds applied to the payment of the fine and all costs and charges incorred on account of the detention and sale.
- (5) The surplus, if any, if not claimed by the owner within a further period of one month, shall be credited and applied in the same manner as fees and fines realized under this Act.

Ben, Act I

(Chapter III.—Plate on Hackney-carriage.— Sees. 17—20.)

### CHAPTER III.

#### PLATE ON HACKNEY-CARRIAGE.

Plate to affixed outside carriage

be 17. Upon the registration of any hackney-carriage. the Registering Officer shall cause to be affixed on some conspicuous part of the outside of such carriage a plate, bearing the class and the number of such carriage in the register and the number of passengers which it is licensed to carry.

Penalty for carriage using without plate.

18. If any hackney-carriage is let, used or plies for hire without having a proper plate affixed thereto under this Act, the owner thereof shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Owner entitled to new plate on loss or obliteration of former one

19. If, during the year of registration, the words or figures on any plate affixed to a hackney-carriage become indistinct or obliterated, or if the plate is lost or stolen, the owner of such carriage shall produce the carriage before the Registering Officer and, after proving the loss of the plate or on delivering the defective plate, to the Registering Officer, as the case may be, shall be entitled to have a new plate affixed upon paymont of a fee of eight annas:

Provided that if any plate, in lieu of which a new plate has been affixed under this section, be afterwards recovered, the same shall forthwith be delivered to the Registering Officer.

Penalty for using obliverated plate or for fail-

20. Every owner of a hackney-carriage registered under this Act who uses or permits to be used any plate or for last plate after the writing thereon has become indistinct plate when re or obliterated,

> and every person into whose possession any plate which has been lost or stolen comes, and who refuses or wilfully neglects for three days to deliver the same to the Registering Officer as required by the proviso to scetlon 19.

# (Chapter 111.-Plate on Hackney-carriage.-Secs. 21-23.)

shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

21. (1) Upon the expiration or other determina- Plate to be tion of the registration of a hackney-carriage, the rituo of registration owner of such carriago shall cause the plate affixed tion thereto under this Act to be delivered to the Registering Officer.

- (2) Any person who, after the expiration of the period aforesaid, wilfully neglects for seven days to deliver the plate to the Registering Officer.
- and every person who uses or retains any plate affixed in respect of a registration which is no longer in force.

shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

22. Whenever the Registering Officer cancels or Power to take suspends for any period, under section 12, the registron configuration cancels. tration of any hackney-carriage he shall take posses- tion or suspension sion of the plate affixed to such carriage under this of regutration. Aet.

23. (1) Every person who, for the purpose of penalty for deception or with a view to avoiding any of the considered place. provisions of this Act,

- (i) uses or has in his possession any plate resembling or intended to resemble any plate affixed under this Act, or
- (ii) uses, affixes or has in his possession any plate issued under this Act.

shall, for every such offcuce, be liable to a fine not exceeding one hundred rupees, and, in default of payment of fluc, to simple imprisonment for a period not exceeding one month.

Ben. Act i

# (Chapter IV.—Registration and Identification of Horses.—Secs, 24—26.)

- (2) The Registering Officer or any police-officer, may seize any plate used or had as aforesaid, wherever the same may be found.
- (3) Whenever a police-officer seizes any plate under sub-section (2), he shall forthwith deliver it to the Registering Officer.

### CHAPTER IV.

### REGISTRATION AND IDENTIFICATION OF HORSES.

Horses to be registered annually.

24. Every horse used, or intended to be used, for drawing a hackney-carriage, together with the harness of such horse, shall be annually registered by the Registering Officer at the time and in the manner provided by Chapter II with respect to the registration of hackney-carriages:

Provided that the Registering Officer may refuse to register any horse if such horse or its harness appears to him to be unserviceable or unfit for public use.

License horse.

- 25. (1) The Registering Officer shall, at the time of registration, upon payment of such fee as may be fixed by by-law made under clause (f) of section 71, deliver a license, duly signed by him, to the owner of every horse.
  - (2) Such liceuse shall, if not cancelled or suspended' continue in force for one year from the first day of the month in which the horse is registered.

Particulars of register and license.

- 26. (1) The following particulars shall be entered in the register, and shall be specified in the license to be given to the owner, namely:—
  - (a) the class of the hackney-carriage with which the horse is to be used, and whether it is to be used singly or in a pair;
  - (b) the name and residence of the owner;
  - (c) the number assigned to the horse in the register;
  - (d) the place where it is intended to keep the horse;

# (Chapter IV.—Registration and Identification of Horses,-Secs, 27, 28.)

(c) the date on which the liecuse was granted; and (f) such other particulars as may be prescribed by by-law made under section 71;

and a certified copy of such particulars shall be farnished to every person applying for the same on navment of a fee of eight annas.

- (2) All the provisions of this Act in any way relating to the notification to the Registering Officer of the change of ownership and of residence of the owners of hackney-carriages and of the place where such carriages are kept shall be applicable in like manner to the owners of liceused horses.
- (3) The person in whose name a horse is for the time being registered shall be deemed to be the owner of such horse for the purposes of this Act.
- 27. (1) The owner of every horse registered under this Act shall on receipt of a notice in writing in this for inspect behalf, produce the horse and the harness used there- half-yearly. with before the Registering Officer, for inspection, at such time as may be specified in the notice within two weeks after the expiration of six months from the date of every such registration.

(2) If the owner of any such horse fails to produce the same with its harness in accordance with the provisions of sub-section (1) he shall be liable to a fine not exceeding two rupees for every day during which, after the expiry of the period specified in subsection (1) and before the horse is produced for inspection, the horse is used to draw a backney-carriage, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days:

Provided that, be: · ner under . . . . . this sub-section, the '! eonsider any explanation for the munic to produce the horse with its harness that may be put forward by the owner.

28. Upon the registration of any horse, the identification Registering Officer shall cause to be attached or horses. applied to such horse such mark of identification as may be prescribed by by-law made under section 71.

Ben. Act 1

# (Chapter IV.—Registration and Identification of Horses.—Secs. 29, 30.)

Penalty for using horse not bearing identification mark.

- 29. (1) If any horse is employed for drawing a hackney-carriage let or used or plying for hire without bearing a mark of identification attached or applied to it under this Act, the owner of such horse shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.
- (2) Any police-officer, or any person duly authorized by the Commissioner of Police in that behalf, may seize such horse with its harness and remove the same to a police-station:

Provided that any horse with its harness so romoved shall be released on the owner thereof furnishing sceurity to the satisfaction of the officer in charge of the police-station, for the production of the horse and its harness when required.

- (3) Any horse with its harness seized under subsection (2) which is not released under the proviso thereto, may be detained at the police-station or sent to the Registration Office and detained there, until any fluc imposed by the Magistrate has been paid.
- (4) If the horse and the harness so seized be not claimed and if any fine imposed be not paid, together with any costs or charges incurred, within fifteen days of such seizure or imposition of such fine, respectively, such horse and its harness may be sold by auction, after previous advertisement of such auction, and the sale-proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale.
- (5) The surplns, if any, if not elaimed by tho owner within a further poriod of one month, shall be credited and applied in the same manner as fees and fines realized under this Act.
- 30. The Registering Officer may cancel, or may suspend for such period as he thinks fit, the registration of any horse and the license granted to the owner under this Act, whenever it shall appear to him that such horse or the harness used therewith is unfit for public use.

Cancellation or suspension of registration of horse and owner's license.

(Chapter IV.—Registration and Identification of Horses,-Chapter V.-Driver's License and Ticket.-Secs. 31-33.)

31. All the provisions of this Act in any way Application of relating to the renewing, producing, using, or taking relating to possession of plates affixed to hackney-carriages shall, baskney-in like manner and so far as the same may reasonably horse. be applied, be applicable to the marks of identification attached or applied to horses.

#### CHAPTER V.

### DRIVER'S LICENSE AND TICKET.

- 32. (1) No person shall not as n driver of a hackney-boxer of carriage without a license granted by the Registering to have because Officer.
- (2) No person shall be so licensed unless the Registering Officer, after due inquiry, is satisfied-
  - (a) that he is competent to drive a hackneycarriage, and has a sufficient knowledge of localities in Calcutta:
  - (b) that he is of sober habits, and has not been convicted of any offence which, in the opinion of the Registering Officer, is of such a nature as to render him unfit to hold a driver's license; and
  - (c) that he is not less than eighteen years of age.
- 33. (1) Every license granted under section 32, sub-section (1), shall contain -

Particulars and duration of becare

- (a) the number of the license;
- (b) the name, father's name, place of abode and age of the person to whom such licensed is granted;
- (c) the date on which the lieense was granted; and
- (d) a summary of the more important statutory provisions and by-laws affecting drivers of hackney-carriages:

and shall bear the signature of the Registering Officer.

[Ben. Act 1

# (Chapter V.—Driver's License and Ticket.— Secs. 34—36.)

- (2) Every license granted under section 32, subsection (1), shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which it is granted, and shall thereafter be renewed, provided that the Registering Officer is satisfied that the driver continues to fulfil the conditions prescribed by clauses (a) and (b) of sub-section (2) of that section.
  - (3) For every such license and for every renewal thereof there shall be paid a fee of two rupees.

Notice to be given of change of driver's residence.

- 34. (1) Whenever a driver licensed under this Act changes his residence, he shall, within one week from the date of such change, give to the Registering Officer a notice in writing thereof.
- (2) Every such driver who neglects to give such notice shall be liable, for every such offence, to a fine not exceeding five rupces, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Penalty for not having license, or lending it out.

- 35. If any person acts as the driver of a hackney-carriage, without holding a license in force for the time being.
- or transfers, or lends his license, or allows the same to be used by any other person,

ho shall, for every such offence, be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty for permitting unlicensed person to act se driver.

36. If any owner of a hackney-carriage permits any person, who has not obtained a driver's license, or whose license has either expired or been cancelled or suspended, to drive such carriage for hire, he shall be liable, for every such offence, to a fine not exceeding fifty rapees, and, in default of payment of fine, to simple imprisonment for a period not exceeding four teen days:

of 1919.1

# (Chapter V.—Driver's License and Ticket.— Secs. 37-39.)

Provided that such owner and such licensed driver shall he subject to all the provisions of this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

37. The particulars of every license which is Particulars of granted under section 32 shall be entered in the registered between the particular of the parti register to he kept for that purpose at the office of the copy given on Registering Officer; and a certified copy of such payment of fee. particulars shall be furnished to every person applying for the same on payment of a fee of eight annas.

38. (1) The Registering Officer shall, at the time of granting a license to any driver of a hackney- metal ticket. carriage, deliver to him a metal ticket bearing the number of his license.

- (2) Every driver to whom such ticket is delivered shall, at all times while aeting as driver or while attending hefore any Magistrate, earry such ticket exposed to view.
- (3) In ease any such driver omits to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.
- 39. If, during the term of the license, the number on any ticket hecomes indistinct or obliterated or the to new ticket on ticket is lost or stolen, the licensed driver shall loss or obliteraproduce his license before the Registering Officer, and one on proving the loss of the tieket or on delivering the defective ticket to the Registering Officer, as the ease may he, shall be entitled to have a new ticket upon payment of a fee of eight annas:

Provided that, if any ticket, in lieu of which a new ticket has been issued under this section, he afterwards recovered, the same shall forthwith be delivered to he Registering Officer.

[Ben. Act I

# (Chapter V.—Driver's License and Ticket.— Secs. 40-42,)

Penalty ticket or failing to deliver lost ticket when recovered

40. Every driver licensed under this Act who using obliterated uses or wears the ticket granted to him after the number thereon has become indistinct or obliterated,

and every person into whose possession any ticket which has been loss or stolen comes and who refuses or wilfully neglects for three days to deliver the same to the Registering Officer as required by the proviso to section 39.

shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Licen-a and ticket to be gelivered expiry.

- 41. (1) Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver his license and ticket to the Registering Officer.
- (2). Every driver who wilfully neglects for seven days to deliver such expired license and ticket to the Registering Officer.

and every person who uses, wears or retains any such expired license or ticket or any license or ticket other than such as shall have been delivered to him under the provisions of this Act,

and every person to whom any ticket has been delivered under this Act, who lends or transfers such ticket, whether current or expired, to any other person,

and every person who wears or uses the ticket of any other person.

shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Pow-, ticket Power to take Carce 18" ( 7 c) . . . . . -

42. Whenever the Registering Officer cancels or suspends for any period, under section 12 or section 30, the registration of any backney-carriage or horse, as the case may be, he shall take possession of the ticket which was delivered to the driver of such carriage under section 38 or section 39.

of 1919.]

# (Chapter V.—Driver's License and Ticket.— Secs. 43-46.)

43. (1) Every person who, for the purpose of deech- Penalty for tion, uses or wears any ticket resembling or intended wearing to resemble any ticket granted under section 38 or connterfeit section 39 shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and in default of payment of fine, to simple imprisonment for a period not exceeding one month.

- (2) The Registering Officer or any police-officer may seize any such expired counterfeit ticket, wherever the same may be found.
- (3) Whenever a police-officer seizes any expired or counterfeit ticket under sub-section (2), he shali forthwith deliver it to the Registering Officer.
- 44. Whenever any driver is summoned to appear hefore any Magistrate to answer any charge proferred against him under this Act, he shall earry with him his license, and produce the same if required so to do; and any driver who, on such requisition, fails to produce such license shall, for every such offence, be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding five days.

Penalty for failing to produce icense before Magistrate

45. Whenever a Magistrate convicts a driver of any offence punishable under this Act, or warns him of conviction, warning or of his liability to punishment for any such offence, or reprimand, reprimands him in respect of his conduct as a driver, the Magistrate shall endorse on the driver's license-

Endorsement on license

- (a) the nature of the offence for which the driver was convicted, the date of the conviction and the penalty imposed, or
- (b) the warning or reprimand given,

as the case may be, and shall inform the Registering Officer of every such endorsement.

46. (1) Any Magistrate before whom any driver Revocation or is convicted of any offence, whether under this Act or euspension under any other Act, may cancel his license or may heense on suspend the same for such period as the Magistrate conviction

Ben. Act 4

# (Chapter V.—Driver's License and Ticket.—

thinks fit, and for that purpose may require the driver, or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same.

- (2) Every driver or other person who, on being so required, refuses or neglects to deliver up the license and ticket, shall be liable, for every such offence, to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.
- (3) The Magistrate shall forward every license and every ticket delivered to him under sub-section (1) to the Registering Officer, together with a memorandum of his sentence in the case.
- (4) The Registering Officer shall enter the fact of such sentence in the register referred to in section 37, and if the license has been suspended, the Registering Officer shall, on application at the end of the period of suspension, re-deliver such license and ticket to the person to whom they were granted.

Power to Registering Officer to cancel or suspend driver's brease

- 47. (1) If it appears to the Registering Officer that any licensed driver is not a fit person to drive a lunckney-carriage, he may cause a notice to be served ou such driver, requiring him to appear before the Registering Officer, at such time as may be specified in the notice, for re-examination. Every such notice shall state the reasons for such re-examination.
- (2) (a) If such driver fails to appear in pursuance of the notice served under sub-section (1), or
- (b) if, upon his appearance, the Registering Officer finds that he is not a fit person to drive the hackney-carriage, or
- (c) if the owner of the carriage or of the horse used therewith on being summoned to produce the driver to answer any charge preferred against him under this Act fails to do so,

of 1919.1

(Chapter VI.-Fares, Hiring and Plying for Hire.-Secs. 48, 49.)

the Registering Officer may cancel the driver's license or may suspend the same for such period as he thinks fit, and may for that purpose require the driver, or any other person in whose possession such license or the ticket thereto belonging may then be, to deliver up the same:

Provided that, before passing an order under clause (c), the Registering Officer shall consider any explanation for the failure that may be put forward by the driver or the owner, as the case may be.

(3) Every driver or other person who fails to comply with any requisition made upon him under sub-section (2) shall be liable, for every such offence, to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

### CHAPTER VI.

### FARES, HIRING AND PLYING FOR HIRE.

48. (I) The owner of every backney-carriage registered under this Act shall cause to be put up, in list of fares hald such manner and in such position as may be directed by the Registering Officer, on the inside of such carriage, a list in such language or languages as the Local Government may, by notification, prescribe, showing the amount of fare according to distance and time which may be demanded and taken from the hirer of such carriage.

Owner to kee

- (2) Every owner who fails to comply with the provisions of this section shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.
- 49. (1) The driver of every hackney-carriage registered under the Act shall drive such carriage to deserte all any place which is not more than six intles from the drive total i place where the same has been hired, to which be shall he required by the hirer thereof to drive the same.

[Ben.Act

(Chapter VI .- Fares, Hiring and Plying for Hire .-Secs. 50, 51.)

- · (2) When any earriage is hired by time, the driver thereof shall drive the same at a rate not less than six miles an hour in the ease of first and second class earriages, and five miles an hour in the ease of any other class of carriage.
- (3) Any such driver who, without sufficient excuse (the burden of proving which excuse shall lie upon him), fails to comply with the provisions of this section shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty for refusing to let a carriage for hire.

**50.** Any owner, driver, or person in charge of any hackney-carriage registered under this Act, who, without sufficient excuse (the burden of proving which exense shall lie upon him), refuses to let such earringe for hire, shall, on the complaint of the aggrieved party or of any public officer or servant, be liable, for every such offence, to a fine not exceeding fifty rapees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days; and shall also pay to the party complaining such compensation as the Magistrato thinks fit.

Penalty derter stendant er am offences.

and

- Every driver or attendant of a hackneyearriage who-
  - (a) is drunk during his employment;
  - (b) makes use of insulting or abusive language or gesture during his employment:
  - (c) stands (elsewhere than at some stand or other place appointed for the purpose) or loiters. for the purpose of being hired, in or upon any public street, road or place;
  - (d) suffers his carriage to stand for hire across any street or alongside of any other carriage:
  - (e) refuses to give way (when he reasonably and conveniently may do so) to any other carriage;

# (Chapter VI.—Fares, Hiring and Plying for Hire.— Sec. 51.)

- (f) wilfully obstructs or hinders the driver of any other carriage in taking up or setting down any passenger into, or from, such other carriage;
- (g) wrongfully prevents or endcavours to prevent the driver of any other carriage from being hired;
- (h) demands or takes more than the proper fare to which he is legally entitled;
- (i) refuses to admit and carry in his carriage the number of passengers which such carriage is licensed to carry:
- (j) earries more than such number of passengers;
- (k) refuses to carry by his carriage such quantity of luggage as as prescribed by by-law made under section 71;
- (l) being hired, permits or suffers any person to he carried in, or upon, or about such carriage during such hire, without the consent of the person hiring the same;
- (m) drives in the carriage any animal which is not so secured as to be under the control of the driver;
  - (n) refuses to let a carriage on hire by time or distance as the hirer may require;
  - (e) being hired by time or distance, before he has heen discharged by the hirer, wilfully deserts from the hiring;
  - (p) plies for hire with any carriage or horse which shall he at the time unfit for public use;
  - (q) disoheys any direction given by a police-officer for the regulation of traffic and the control of carriages on backney-carriage stands;
  - (r) leaves his carriage unattended in any street or public place;
  - (s) allows his carriage to be used by any person for the purpose of soliciting any other person to immorality,

[Ben. Act |

(Chapter VI.—Fares, Hiring and Plying for Hire.— Secs. 52, 53.)

shall be liable to a fine not exceeding one hundred rupees, or to imprisonment for a period not exceeding two months.

Penalty on driver for refusing to attend at premises of owner 52. Any licensed driver, employed as a driver by the owner of any hackney-carriage registered under this Act, who, without sufficient excuse, refuses or neglects to attend at the premises where such carriage is kept for the purpose of driving any such carriage, whereby such owner is prevented from letting out the same, shall be liable, for each offence, to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Owner may be summoned to appear before Magistrate and to produce driver or attendant.

- 53. (1) When a complaint is made before a Magistrate against the driver or attendant of a hackney-carriage registered under this Act for any offence committed by him against the provisions of this Act, or any by-taw made thereunder, such Magistrate may, if the driver or attendant fails to appear, forthwith summon the owner of the carriage or of the horse used therewith, or both such owners, as he may consider necessary, personally to appear and to produce the driver or attendant of such carriage to answer the complaint.
  - (2) If any such owner, without reasonable excuse, neglects or refuses to appear personally, or to produce the driver or attendant in compliance with a summons issued under sub-section (I), he shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days, and so from time to time, as often as he shall be so summoned, until such driver or attendant shall be produced by him:

Provided that if such owner, without reasonable excuse, neglects or refuses to appear personally, or to produce such driver or attendant on the second or any subsequent summons requiring him so to do, the Magistrate may proceed to hear and determine the complaint in the absence of the owner and the driver or attendant, as the case may be, or any of them.

1919

of 1919.]

(Chapter VI.—Fares, Hiring and Plying for Hire.— Secs. 54-57.)

54. (1) If any person who has hired a hackney-earriage registered nuder this Act, and who, without are sufficient excuse, refuses to pay to the owner or drivor thereof, on demand, the proper fare to which bo is ontitled, the Magistrate may order payment of such fare, and also of such compensation for loss of time as shall seem reasonable.

- (2) If any person who has used any such earriage attempts to evade payment of the fare, or any portion of the same, be shall be liable to a fine not exceeding fifty rupees, or to simple imprisonment for a period not exceeding fourteen days in addition to the payment of such fare and compensation, as hereinbefore mentioned.
- 55. Any person who maliciously or knowingly tears, destroys, defaces, obliterates or removes any destroying plate, table of fares, driver's ticket or mark of identifi-etc eation which has been affixed, put up, granted, attached or applied under the provisions of this Act, shall be liable for every such offence to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

for

56. Any person using a hackney-carriage registered under this Act who wilfully injures the same, shall wilful to carriage, bo liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days; and shall also pay to the owner of the carriage such compensation for the injury, as the Magistrate may direct.

Penalty

57. (1) In case of any dispute between the hirer and driver of any hackney-carriage registered under to be settled this Act.

the hirer may require the driver to drive to the Court of the nearest Magistrate or to the Registering Officer:

and, if any driver refuses to obey such requisition, the hirer may give such driver into the custody of the acarest police-officer.

[Ben. Act I

(Chapter VI.—Fares, Hiring and Plying for Hire.— Secs. 58—60.)

(2) The police-officer shall thereupon take the driver and the hirer, together with the carriage and horse, to such Court or Registering Officer.

and the Magistrate or Registering Officer, as the case may be, may hear and determine the dispute in a summary way.

Table of distances signed by Registering Officer conclusive.

58. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of the distances therein stated.

Hackneycarriage may ply for hire as stagecarriage.

- 59. (1) Any hackney-carriage registered under this Act may ply for hire as a stage-carriage.
- (2) The owner or driver of a carriage so plying for hire or hired as a stage-carriage shall not be subject to any by-law made under clause (g) of section 71, but shall be entitled to demand and take for the hire of such carriage such fares as shall be agreed upon between him and the several hirers, respectively, subject to any maximum which may be prescribed by the Local Government by an order in writing.
- (3) All the other provisions of this Act shall be applicable to the case of a hackney-carriage plying as a stage-carriage, so far as the same may be applicable in each case.

Stands to be appointed.

- 60. (1) The Corporation of Calcutta shall, in consultation with the Commissioner of Police, from time to time, appoint the places in Calcutta that are to be used as public stands for lackney-carriages.
- (2) Every public stand so appointed shall have a board placed in a conspicuous place on the same, containing a notice in such language or languages as the Local Government may, by notification, prescribe, stating that the stand is a public stand under this Act and specifying the number of carriages that may stand upon it.

of 1919.]

(Chapter VII.-Palanquins.-Secs. 61-63)

### CHAPTER VII.

### PALANQUINS.

61. Every palanquin plying for hire in Calcutta shall be registered annually by the officer be registered appointed for registering backney-carriages, at the time and in the manner provided by Chapter II with respect to the registration of hackney-carriages:

Palanquins to annually.

. Provided that the Registering Officer may refuse to register any palanquin, or may cancel or suspend for such period as he thinks fit, the registration thereof, whenever such palanquin appears to him to be anfit for public use.

62. (1) The Registering Officer shall, at the time of registration, deliver a license, duly signed by him. to the owner of every palanquin.

för License

- (2) Such license shall, if not cancelled or suspended continue in force for one year from the first day of the month in which the palauguin is registered.
- 63. (1) The following particulars shall be entered Particulars of in the register and shall be specified in the license to register heense. be given to the owner, namely :--

- (a) the number of the palanquin;
- (b) the name and residence of the owner, and the place where the palanguin is to be kept;
- (c) the number of persons the palangain is licensed to carry,
- (d) the date on which the license was granted:
- (e) such other particulars as may be prescribed by by-law made under section 71.
- (2) All the provisions of this Act in any way relating to the notification to the Registering Officer of the change of ownership or of residence of the owners and drivers of hackney-carriages shall be applicable in like manner to the owners and bearers. respectively, of palanquins.

Ben. Act I

# (Chapter VII.—Palanquins.—Secs. 64—66.)

Plate to be affixed outside palanquins.

- 64. (1) Upon the registration of any palanquin, the Registering Officer shall cause to be affixed on some conspicuous part of the outside of such palanquin a plate bearing the number of such palanquin in the register and the number of persons it is licensed to carry.
- (2) If any palanquin is let, used or plies for hire without having a proper plate affixed thereto under sub-section (1), the owner thereof shall be liable to a fine not exceeding twenty rapees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.
- (3) The person in whose name a palanquin is for the time being registered shall be deemed to be the owner thereof for the purposes of this Act.

Application of certain provisions relating to hackney-carriages to palanquins.

. 65. All the provisions of this Act in any way relating to the cancellation or suspension of the registration of hackney-carriages and to the renewing, producing, using or taking possession of plates affixed to hackney-carriages, shall be applicable in like manuer to palanquins.

Owner to keep list of fares inside palanquin. 66. The owner of every palanquin registered under this Act shall cause to be put up, in such manner and in such position as may be directed by the Registering Officer, on the inside of such palanquin, a list in such language or languages as the Local Government may, by notification, prescribe showing the amount of fare according to distance and time which may be demanded and taken from the hirer of such palanquin.

License bearers . palanquins.

- for of palanquin registered under this Act unless such person has obtained a license from the Registering Officer in the manner prescribed by Chapter V for drivers of hackney-carriages.
  - (2) All the provisions of this Act in any way relating to the taking out, granting, renewing, producing or using the licenses, or to the issuing, granting, wearing, using or taking possession of tickets granted to drivers of lackney-carriages, shall be applicable in like manner to the bearers of palauquins.

# (Chapter VII.-Palanquins.-(Chapter VIII.-Rickshaws.—Chanter IX.—Bu-laws.—Secs. 68-71.)

- (3) For every license to net as a palanquin-bearer granted under this Act, there shall be paid a fee of four annas; and for every renewal thereof there shall be naid a fee of two annns.
- 68. (1) The hearers of every palanquin registered distance to under this Act shall carry such palauquin to any which place which is unt mure than five miles from the palanquins place where the same has been hired, to which they carried shall be required by the hirer thereof to carry the same.

Maximum

- (2) When any such nalangulu is hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one henr.
- 69. All the provisions of this Act as to offences committed by or against the owners and drivers of regarding hackney-carriages and the pennities in respect of the drivers of hackney. same and recovery thereof, and all the remedies given carriages to or against hirers, owners or drivers of hackney- applicable to owners and carriages, except the provisions contained in section bearers of 53, shall be applicable, so far as the same may reasonably he applied, to the owners and bearers of palanouins.

#### CHAPTER VIII.

#### Rickshaws.

70. All the provisions contained in this Act, Rickshaws. relating to palanquins, and the hirers, owners and bearers thereof, shall be applicable, mutatis mutandis, and so far as the same may reasonably be applied, to all rickshaws plying for hire in any town or place in which this Act is in force, and to the hirers, owners and bearers of such rickshaws.

#### CHAPTER IX.

#### By-LAWS.

71. (1) The Local Government may make by-laws1 generally for carrying ont the provisions and intentions of this Act; and in particular, and without

Power to Local Government make by-laws

[Ben. Act I

# (Chapter IX.—By-laws.—Sec. 71.).

prejudice to the generality of the foregoing power, they may make by-laws—

- (a) regulating the examination and qualification of drivers of backney-carriages and bearers of palanquins and rickshaws, and the conditions under which they may be employed;
- (b) prescribing the uniforms to be worn by drivers and attendants of hackney-carriages;
- (c) specifying the description of horses, harness, or other things to be used in hackneycarriages, palanquins and rickshaws, the dimensions and colours of such carriages, palanquins and rickshaws, and prescribing the conditions in which such carriages, palanquins and rickshaws and the horses, harness and other things used therewith, shall he kept;
- (d) prescribing the mark of identification of horses to be used in any hacknoy-carringo and the manner in which the mark is to be used:
- (e) providing for the division of hackney-carriages into classes (if any);
- (f) prescribing the fees to be paid for the registration of earriages, horses, palanquins and rickshaws, respectively, under this Act, and for alterations to be made in any registor kept thereunder;
  - (g) prescribing the fares to be paid for the hire of lanekuey-carriages, palanquins and rickshaws, respectively;
- (h) regulating the quantity of luggage to be earried by backney-carriages;
- (i) for the inspection of the premises on which any such carriages, palanquins, rickshaws, horses, harness and other things are kept;
- (j) for the protection of weak, have or sickly horses and the prevention of their use in hackney-carriages;
- (k) for the regulation of the use of horses in hackney-carriages;

# (Chapter IX.—By-laws.—Chapter X.—Prosecutions.— Secs. 72-75.)

- (1) for the publication of a table of distances;
- (m) for regulating or preventing the placing of advertisements on or in backney-carriages, palanguins or rickshaws; and
  - (n) prescribing particulars to be entered in tho registers and licenses under this Act.
- (2) By-laws made under this section shall be published in such manner as the Local Government may direct.
- 72. Whoever infringes any hy-law made under this Act shall be liable to a fine not exceeding twenty infringement of brians. rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty lor

### CHAPTER X.

### Prosecutions.

73. A summons against a driver of a hackneyearringo registered under this Act for any offence substituted against this Act may be served either on the person summons. accused, or on the owner of the carriage, or on the owner of the horse used therewith, and the service on the owner shall be as effectual as if it had been made on the driver personally.

74. If, in any prosecution under this Act, the Experiedoposal person charged does not appear as directed by the of criminal harges summons, the Magistrate may, upon proof of service. and if no sufficient cause be shown for the non-appearunce, proceed to hear and determine the case in his absence.

75. (1) No person shall be liable to prosecution for any offence under this Act, unless the complaint respecting such offence be made within one month from the commission of such offence.

Listality to fine wi en incurred.

(2) For the purposes of this section every omission numshable under this Act shall be deemed to be a continuing offence so long as the omission continues.

Ben. Act I

(Chapter X.—Prosecutions.—Chapter XI.—Miscellaneous.—Secs. 76—78.)

Damage to property to be paid for. 96

- 76. (1) If, through any act, neglect or default on account whereof any person is fined under this Act, any damage to any property has been committed by such person, he shall be liable to make good such damage to the owner of such property as well as to pay such fine.
- (2) The amount of such damage shall be determined by the Magistrate by whom such person has been fined; and, in default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

## CHAPTER XI.

### MISCELLANEOUS.

Property left in carriage, palangum or rick-haw to be deposited in police-station

- 77. (1) If any property is left by any person in a hackney-carriage, palanquin or rickshaw, the driver or bearer thereof, as the ease may be, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit it with the officer in charge.
- (2) The said officer shall forthwith enter in a book to be kept for that purpose—
  - (a) the description of such property.
  - (b) the name and address of the driver or hearer who brings it:
  - (c) the day and hour when it is brought;
  - (d) the name and address of the owner of the luckney-carriage, palanquin or rickshaw in which the property has been left and the registered number of such carriage, palanmin or rickshaw;

and shall grant a receipt for the same.

(3) The said officer shall also send a copy of every such entry to the Registering Officer.

Penalty for reglering to deposit pro-

78. Any driver or bearer who fails to deposit any property left in a hackney-carriage, palanquin or rick-shaw within the time prescribed in section 77, subsection 40, shall be llable to a fine not exceeding fitty rupces, and, in default of payment of fine, to simple imprisonment for n period not exceeding fourteen days.

(Chapter XI.—Miscellaneous.—Secs. 79—81.)

79. The properly entered under section 77, sub- Property to section (2), shall be returned to the person who proves to owner. to the satisfaction of the Commissioner of Police or such other police-officer, not below the rank of Inspector, as he may appoint in this behalf, that the same belonged to him, on payment of all costs incurred, together with such reasonable sum to the person who brought the same as the Commissioner or such other officer may determine:

Provided that, if within six months from the date of such deposit no person satisfies the Commissioner or such other officer that he is the owner of the property, the Commissioner may cause the property to be sold, or otherwise disposed of; and the proeeeds, after deducting therefrom the expenses, together with a reasonable sum to the driver or bearer shall be eredited and applied in the same manner as fees and flues realized under this Act.

80. (1) Every owner of a hackney-carriage or Dialection palanquin or the driver or bearer thereof, not providing for disinfection of the carriage or palauquin, ralanquin at a place appointed by the Registering Officer, immediately after it has, with his knowledge, conveyed any or corpie person suffering from any dangerous infectious disorder, or after it has been used for conveying a corpse, and which fact had been previously notified by the hirer to the owner, driver or bearer shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days:

Provided that no such owner, driver or bearer shall be required to convey any person so suffering or any corpse until he has been first paid a sum sufficient to defray the loss and expenses incurred thereby. such sum not to exceed ten rupees in the case of a hackney-earriage and five rupees in the case of a palanquin.

81. If a police-officer has cause to arrest a driver of a hackney-carriage or a bearer of a palanquin fer passenger in car any offence under this Act or any other bailable hackney-carriage offence, or to seize a hackney-carriage or palanquin or palanquin. or a horse employed in drawing such carriage for a

Provision fc

#### BENGAL ACT No. II OF 1919.

# (THE BENGAL JUVENILE SMOKING ACT. 1919.1

\_ 15th January, 1919.]

An Act for the Prevention of Smoking by Juveniles.

WHEREAS it is expedient to make provision for Preamble the prevention of smoking by young persons;

It is hereby onacted as follows:-

of 1899.

1. (1) This Act may be called the Bengal Juvenile Smoking Act, 1919.

extent and mencement.

(2) It extends in the first instance to Calcutta, as Ben Act III defined in clause (7) of section 3 of the Calcutta Municipal Act, 1899:

> Provided that the Local Government may, from time to time, by notification in the Calcutta Gazette, extend this Act to any other town or place in Bengal.

- (3) It shall come into force on such dato' as the Local Government may, by notification in the Calcutta Gazette, direct.
- 2. In this Act, unless there is anything repugnant in the subject or context .-

(a) "cigarettes" include eut tobaceo rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking;

(b) "police-officer" means a member of an established police force above the rank of a head constable: and

(c) "tobaeco" means tobaeco in any form, and includes any smoking mixture intended as a substitute for tobacco.

3. (1) No person shall sell or give to a person Prohibition apparently under the age of sixteen years any tobacco, against sale pipes or eignrette papers, whether for his own use or roung person not:

Provided that a person shall not be guilty of an offence under this sub-section for selling tobacco.

Definitions

[Ben. Act II of 1919.]

(Secs. 4-6.)

other than cigarettes, to a person apparently under the age of sixteen years if he did not know, and had no reason to believe, that it was for the use of that person.

(2) If any person contravenes the provisions of snl-section (I), he shall be liable on summary conviction before a Magistrate to a fine not exceeding ten rupees, and in the case of a second offence to a fine not exceeding twenty rupees, and in the case of a snbsequent offence to a fine not exceeding fifty rupees.

Power of policefficers and others o seize and dey t. acco, etc, the possession a young perin certain laced

4. It shall be lawful for a police-officer in uniform, or any other person or class of persons duly authorised by the Local Government in this behalf, to seize any tobacco, pipes or eigarette papers in the possession of any person apparently under the age of sixteen, years whom he finds smoking in any street or public place, and to destroy any such article.

Institution of rocceedings

5. No Magistrate shall take eognizance of an offence under this Act, except upon a complaint made by, or at the instance of, the parent or guardian of the young person concerned or a police-officer or other person empowered to make a seizure under section 4.

Act not to pply in certain

6. The provisions of this Act shall not apply when the person to whom the tobacco, pipes or eigarette papers are sold, or in whose possession they are found, was at the time employed by a manufacturer of, or dealer in, such articles, either wholesale or retail, for the purposes of his business.

### BENGAL ACT No. III OF 1919.

# [THE BENGAL TENANCY (AMENDMENT) ACT, 1919].<sup>1</sup>

[19th February, 1919.]

An Act further to amend the Bengal Tenancy Act, 1885.

Whereas it is expedient further to amend the Bengal Tenancy Act, 1885; in the manner hereinafter appearing;

And where is the previous sanction of the Governor General has been obtained under section 79, subsection (2), of the Government of India Act, 1915, to the passing of this Act;

It is hereby enacted as follows:-

III of

& 6 Oeo.

VIII of 1885.

Ben Act IX of 1880.

585

1. This Act may be called the Bengal Tenancy Short title. (Amendment) Act, 1919.

2. Section 74 of the Bengal Tenancy Act, 1885 of the received the said Act), shall be renumbered of Act VIII as sub-section (1) of section 74, and after the said sub-

section the following shall be added, namely:—

"(2) All impositions upon tenants of road cess or public works cass, or of both,—

- (a) in excess of the net amount prescribed by clause (2) of section 41 of the Cess Act, 1880, or
- (b) on any scale in excess of that prescribed by clause (3) of that section,

levied in addition to the actual rent. shall be illegal, and all stipulations and reservations for payment of any such excess contained in any contract made between a landlord and a tenant on or after the 13th day of October, 1880, shall be void:

i For Statement of Objects and Reasons, see Calcutta Gazette, 1918, Pt. IV., p. 127; and for Proceedings in Council, see abid Pt. IV.A., pp. 803-809, and 1165 1166, 2 2-30.

<sup>5,</sup> was repealed by Part II of Seo 5, c 101 )

[Ben, Act III of 1919.]

(Sec 3.)

Provided that nothing in this sub-section shall affect the terms of a written contract registered before the commencement of the Bengal Tenancy (Amendment) Act, 1919:

Provided also that, subject to the provisions of section 72 of the Indian Contract Act, 1872, no suit shall lie for the recovery of anything paid before the commencement of the Bengal Tenancy (Amendment,

Act, 1919, on account of the impositions referred to in

- (3) Nothing in this section shall be deemed to affect the terms of a permanent mukarrari lease granted by a proprietor or holder of a permanent tenure in a permanently-settled area."

Amendment of section 75.

## 3. In section 75 of the said Act,—

suh-section (2).

- (1) after the words "in excess of the rent" the words "or road cess or public works cess" shall be inserted; and
- (2) after the words "lawfully payable, may" the following shall be inserted, namely:—

"subject to the second proviso to subsection (2) of section 71."

1 Oeneral Acts, Vol Il.

1X of

### BENGAL ACT No. IV OF 1919,

# THE BENGAL PRIMARY EDUCATION ACT, 1919.

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- 16. Exemption from compulsory education.

[Ben. Act III of 1919.]

(Sec 3.)

Provided that nothing in this sub-section shall affect the terms of a written contract registered before the commencement of the Bengal Tenancy (Amendment) Act, 1919:

Provided also that, subject to the provisions of section 72 of the Indian Contract Act, 1872, no suit shall lie for the recovery of anything paid before the commencement of the Bengal Tenancy (Amendment, Act, 1919, on account of the impositions referred to in sub-section (2).

(3) Nothing in this section shall be deemed to affect the terms of a permanent mukarrari lease granted by a proprietor or holder of a permanent tenure in a permanently-settled area."

Amendment of ction 75.

- 3. In section 75 of the said Act,-
  - after the words "in excess of the rent" the words "or road cess or public works cess" shall be inserted; and
  - (2) after the words "lawfully payable, may" the following shall be inserted, namely:
    - "subject to the second proviso to subsection (2) of section 74."

1 General Acts, Vol. II.

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# BENGAL ACT: No. IV OF 1919,

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- 21. Withdrawal of notification on default.

# BENGAL ACT No. IV OF 1919.

# (THE BENGAL PRIMARY EDUCATION ACT. 1919.)1

[14th May, 1919.]

An Act to provide for the extension of primary education in Municipalities and in certain other areas in Bengal,

Whereas it is expedient to provide for the extension of primary education in Municipalities and in certain other areas in Bengal;

It is hereby enacted as follow:-

## PART L

#### PRELIMINARY.

1. (1) This Act may be called the Bengal Primary Education Act, 1919.

Short title and

(2) It extends in the first instance to all Municipalities in Bengal:

Provided that the Local Government may, by a notification' published in the Calcutta Gazette, extend the provisions of this Act, with such modifications, for the purposes of adaptation, as they may deem fit, to any area in a Union constituted under section 38 of the Bengal Local Self-Government Act of 1885, For under section 5 of the Bengal Village Self-Government Act, 1919] and may authorize the Union Committee '[or the Union Board] for such area to exercise and perform all or any of the powers and duties conferred and imposed on the Commissioners by this Act, subject to such control by the District or Local Board as the Local Government may prescribe.

2. In this Act, unless there is anything repugnant Definitions. in the subject or context,-

(1) "to attend a recognized primary school" means to be present for instruction at such school for so many and on such days in the year and at such time or times on each day as may be prescribed by the School Committee for such school, subject to the rules and orders of the Education Department of the Local Government;

i For Statement of Objects and Reviews, we Colorin Gazette, 117, Pt. 1 N. p. 41, and for Proceedings of the Coloring of the Proceedings of the Coloring of the Proceedings of the Procee

Ben of 188

# (Part II.—Voluntary Primary Education.— Sec. 3.)

(2) "Commissioners" means the persons for the time being appointed or elected to conduct the affairs of a Municipality:

(3) "guardian" includes a parent or any person who is liable to support, or has the custody of, a hoy not being less than six or more than ten years of age:

(4) "Municipality" means Calcutta, as defined in clause (7) of section 3 of the Calcutta Municipal Act, 1899, or any place in which the Bengal Municipal Act, 1884, is in force;

(5) "primary education" means such elementary education as may be prescribed from time to time for primary schools by the Education Department of the Local Government:

(6) "recognized primary school" means a school (or a department of a school) appropriated to primary education and for the time being recognized by the Education Department of the Local Government for the purposes of such education; and

(7' "School Committee" means a committee con-

stitued under section 7.

# PART II.

# VOLUNTARY PRIMARY EDUCATION.

Statement to be submitted by Municipalities

- 3. Within one year from the commencement of this Act or within such other period as may be prescribed by the Local Government in this behalf, the Commissioners shall submit to the Local Government a detailed statement, in such form as may be prescribed by the Local Government, containing the following particulars in respect of the Manicipality:—
  - (a) (i) the number of children, not being less than six or more than eleven years of age, within the Municipality:
    - (ii) the number of boys, not being less than six or more than ten years of age, therein;
  - (b) the school accommodation for the staff of, and the attendance at, existing primary schools:

of 101P.]

# (Part II.—Voluntary Primary Education.— Sec. 4.1

- (c) the school accommodation, staff and equipment required if suitable and adequate provision were to be made for the mimary education of-
  - (i) all children referred to hi clause (a) (i) likely to attend primary schools voluntarily ; and
  - tii) all boys referred to in clause (a) (ii),
- (d) the manner in which and the periods within which It will be possible to provide the necessary school accommodation, staff and equipment referred to in clause (c) under the direct management and control of the Municipality;
- (c) the existing expenditure incurred by the Municipality on primary education and the expenditure to be incurred yearly in order to provide such school accommodation, staff and equipment:
- (f) the receipts airculy available, and the income including the probable receipts from any education cess that may in future be levied under section 17, which it may be estimated will be available to meet such expenditure: and
- (a) the amount of grant or assistance from the Government which the Commissioners consider would be necessary to enable them to provide for primary education within the Municipality, or any part thereof.
- 4. The Local Government, after considering the Commissioners statement required by section 3 and the conditions to make proving and resources of the Municipality, and after deter-education. mining the amount of financial assistance from the Government which may be necessary in order to provide for primary education within the Municipality, may, if satisfied that the Municipality is able to meet the expenditme involved, direct the Commissioners to provide the necessary school accommodation, staff and equipment for all children, not being less than six or more than eleven years of age, likely to attend primary schools voluntarily within the Municipality and to assume the direct management and control of all such schools.

Ben. Act IV

(Part III.—Compulsory Primary Education— Secs. 5, 6.)

## PART III.

## COMPULSORY PRIMARY EDUCATION

Operation of 5. The provisions of this Part shall not come into operation until a notification has been issued under section 6, sub-section (2).

Primary education when to be declared compulsory

- 6. (1) If, after complying with the directions of the Local Government under section 4, the Commissioners are of opinion that the primary education of all boys, not being less than six or more than ten years of age, should be made compulsory within the Municipality, or any part thereof, they may apply to the Local Government, in such manner as may be prescribed by rules made by the Local Government, for permission to introduce therein compulsory primary education for such boys.
- (2) The Local Government, after considering the upplication and after determining the financial assistance from the Government which may be necessary to provide for compulsory primary education within the Municipality, shall, if satisfied that the Municipality is able to meet the expenditure involved, grant the permission asked for, and the Commissioners shall thereupon cause a notification to be issued declaring that primary education shall be compulsory for all such boys within the Municipality, or any part thereof, as the case may be.
- (3) Every notification issued under this section shall be published in the Calcutta Gazette and in the local newspapers, if any, and shall be posted up at the Municipal office and at such other places, as the Commissioners shall deem necessary, specifying the date on and from which primary education shall be compulsory within the Municipality, or any part thereof.
- (4) No notification shall be issued by the Commissioners under this section except in pursuance of a resolution passed at a special general meeting convened for the purpose and at which not less than two-thirds of the total number of Commissioners are present.

# (Part III.—Compulsory Primary Education.— Secs. 7-9.)

7. When a notification has been issued in any Municipality under section 6, sub-section (2), the Commissioners shall appoint a School Committee, to be constituted in such manner as may be prescribed by rules made under section 15:

Constitution of

Provided that a Deputy Inspector or a Sub-Juspector of Schools, at least one Commissioner and one or more residents of the Municipality, other than a Commissioner, shall be members of the Committee.

- 8. (1) In every men to which the provisions of dian to send boy this Part apply, it shall be the duty of the guardian to school of every boy, not being less than six or more than ten years of age, residing within that area to cause such boy to attend a recognized primary school unless. in the opinion of the School Committee, there is a reasonable excuse for his non-attendance.
- (2) Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of this section:-
  - (a) that there is no recognized primary school within a distance of one mile, measured by the shortest route, from the residence of the boy which he can attend, and to which the guardian has no reasonable objection to send the boy:
  - (b) that the boy is prevented from attending the school by reason of sickness, infirmity. domestic necessity, the seasonal needs of agriculture or of his being the sole breadwinner of his family :
  - (c) that the boy is receiving education in some other satisfactory manner.
- 9. (1) If the Sebool Committee is satisfied that a gnardian who is required under section 8 to cause Magistrate a boy to attend a recognized primary school, has dence failed to do so, it shall, after giving a warning in writing to such guardian, apply to a Magistrate for an order to compel the guardian to enforce the attendance of such boy; and the Magistrate shall fix a day for the hearing of the application and cause notice thereof to be given to such guardian.

(2) On the day fixed for the hearing of the application or on any subsequent day to which it may be

Order of tn atten-

Ben. Act (V

# (Part III.—Compulsory Primary Education.— Secs. 10—13.)

adjourned, and after hearing the guardian or his authorized agent, if present, the Magistrate, if satisfied that the facts alleged in the application are true, may pass an order directing the guardian to cause such boy to attend a recognized primary school from a date to be specified in such order.

Penalty for failure to obey order

- 10. (1) Any guardian who fails to comply with an order passed under section 9 shall, on conviction before a Magistrate, be liable to a fine not exceeding five rupees, and also to a recurring fine not exceeding one rupee for each day after the first during which he continues so to offend.
- (2) No Magistrate shall take cognizance of an offence under this section except on the complaint of the School Committee.

Prohibition of employment of boys,

11. No person shall, without the permission of the School Committee, employ any boy, not being less than six or more than ten years of age, who is required to attend a recognized primary school under this Part:

Provided that such permission shall not be necessary if the employment of the boy does not interfere with his attendance at such school.

Employer's liability.

- 12. (1) The School Committee may prosecute any person who, after due warning, contravenes the provisions of section 11.
- (2) Unless such person satisfies the Magistrate that there is a reasonable excuse, within the meaning of section 8, sub-section (2), for the non-attendance of the boy, or that the time and nature of employment of the boy are such that he is not prevented from attending a recognized primary school, or that the boy was taken into omployment under false representations as to age, residence and other conditions, such person shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupces.

Belegation of some of the functions of the School Committee 13. An application to a Magistrate under section 9 or a complaint to a Magistrate under section 10 or section 12, may be made on behalf of the School Committee by such person as may be authorized by the School Committee by general or special order in this behalf.

## (Part 111.—Compulsory Primary Education.— Part IV -Education cess.-Secs. 14-17.)

14. When primary education has been made compulsory in any Municipality, or any part thereof, if a guardian, who is required under the provisions of this Part to cause a hoy to attend a recognized primary school, satisfies the School Committee that he is unable to pay the fees or any part of the fees ordinarily charged in such school, such hoy shall be admitted to such school free of charge, or at such reduced fees as the School Committee may determine, for the period during which the guardian is required to cause the hoy to attend a recognized primary school.

Remission

15. The Commissioners may, with the provious Power of Comsanction of the Local Sovernment, make rules pre-materules scribing--

- (a) the manner in which the School Committee shall be constituted, the number of its members, its duties and its mode of transacting husiness;
- (b) the steps which the School Committee may take to seeme the attendance of hove nt selicol.
- 16. The Local Government may, hy notification Exemption in the Calcutta Gazette, exempt any class of persons education or any community, in any area to which this Act extends, from the operation of this Part.

#### PART IV.

#### EDUCATION CESS.

17. (1) If the existing resources of any Municipality including any grant from the Government, are not sufficient to cover the cost of primary education within the Municipality, the Commissioners may, with the previous sanction of the Local Government, impose a tax, to be called the "education cess"; and all amounts derived therefrom shall be devoted solely to the purposes of primary education, whether volumtary or compulsory, within the Municipality.

Education cess.

(2) An education cess shall not be imposed unless the Commissioners by resolution, passed at a special

Ben. Act IV

# (Part V.-Supplemental.-Secs. 18-20.)

general meeting convened for the purpose and in favour of which two-thirds of the Commissioners have voted, determine to impose such cess.

(3) The education cess shall be levied in such manner as may be prescribed by rules made by the Local Government, and the cess so levied shall be a rate amounting to the sum required, after deducting the Government grant, the school receipts and the receipts from endowments and contributions, to meet the expenditure on primary education, together with ten per cent. above such sum to meet the collection charges and the probable losses due to non-realization from defaulters.

## PART V.

#### SUPPLEMENTAL.

Power of Local 18. (1) The Local Government may, after pre-Government to vious publication, make rules! to earry out the purposes of this Act,

(2) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules prescribing the manner in which.

- (a) applications under section 6, sub-section (1), shall be made; and
- (b) the education ecss shall be levied.
- (3) All rules made noder this section shall be published in the Calcutta Gazette.

Schools to be epen to inspection 19. All primary schools maintained by the Commissioners within a Municipality, or any part thereof, under the provisions of this Act shalf be open to inspection free of any charge by the inspecting officers of the Education Department of the Local Government and such other persons as the Local Government may appoint in this behalf.

Certain persons to be deemed public servants

20. Every person authorised by the School Committee under section 13 and every officer and servant of the School Committee, shall be deemed to be a public servant within the meaning of section of \$21 of the Indian Penal Code.

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section 6, sub-section (1).

(Part V.—Supplemental,—Sec. 21.)

21. When, in the opinion of the Local Govern-Withdrawal of ment, the Commissioners have made default in any of notification default. the requirements of Part III of this Act, the Local Government may, after considering any explanation of the Commissioners, by a notification in the Calcutta Gazette, stating the grounds of such order, cancel any notification which has been issued under



## BENGAL ACT No. V OF 1919.

# THE BENGAL VILLAGE SELF-GOVERNMENT ACT, 1919.

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Ben. Act V

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#### BENGAL ACT No. V OF 1919.

# (THE BENGAL VILLAGE SELF-GOVERNMENT ACT, 1919.)

An Act to develop self-government in the rural areas of Bengal.

[28th May, 1919.]

Whereas it is expedient to develop the system of self-government in the rural areas of Bengal:

And whereas the sanction of the Governor General has been obtained under section 79, sub-section (2) and 5 sub-section (3), of the Government of India Act.\_1915, to the passing of this Act;

It is hereby enacted as follows:-

#### PART I.

## CHAPTER I.

# PRELIMINARY.

1. (1) This Act may be called the Bengal Village Self-Government Act, 1919.

Short title, local extent and commencement

- (2) It extends to the whole of Bengal, except the town of Calentta and any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act, 1884.
- (3) It shall come into force in such districts or such parts of districts and on such dates as the Local Government may, by notification, direct, and the Local Government may, by notification, withdraw this Act from any district or part of a district.

Explanation.—The words "the town of Calcutta" mean, subject to the exclusion or inclusion of any local area by notification under section 637 of the Calcutta Municipal Act. 1899, and subject to the provisions of

6, Geo 61.

Act III

For Statement of Objects and Reasons, see Calcutta Gazette, 1918, Pt. 171, pp. 117
and 118, and for Proceedings in Council see also, Pt. 171-A, pp. 45-5672 and 118-1193
and see Calcute Gazette, 1919, Pt. 171-A, pp. 30-34, 127-116, 415-516 and 68-917
by feed-inste 2 on page 100, as a constant of the Calcute Gazette, 1919
For sub-houring states, with a Pagest Local Calcute.

For such notification, set the E-ryal Local Statutery Rules and Others, slength Act III of 1874 has been rejected and re-enacted by the Bengal Municipal Act, 1973 (Ben Act III of 1874), pp. 425.

Ben. Act V

(Part I.-Chapter II.-Union boards.-Secs. 5, 6.)

Act V of 893.

Act V

903.

Procedure. 1898,1 and the expressions "deeree," "legal representative" and "moveable property," have the same meaning as in section 2 of the Code of Civil Procedure, 1908.

# CHAPTER II.

## UNION BOARDS.

5. When this Act has come into force in any Fowered to district or part of a district, the Local Government declaration. may, after consideration of the views of the district to be union board and the local boards, by notification, divide that district or part into as many local areas as may to them scom expedient, and may, by notification, declare every such local area to be a union for the purposes of this Act.

6. (1) The Local Government shall, by notification, establish a union board for every union constituted under section 5, and shall fix the number of members of each union board:

Provided that the number of inciders of a union board shall not be less than six or more than nine.

- (2) The members shall be elected within such time and in such manner as may be prescribed by rules under section 101.
- (3) Notwithstanding anything contained in subsection (2), the Local Government may direct, by an order in writing, for reasons to be stated in such order that not more than one-third of the total number of members of the union board shall be appointed by the district magistrate:

Provided that no member shall be so appointed unless he is entitled to be elected as a member of the union board under section 7.

(1) If on the date fixed for the election, the electors of any union fail to elect any member or members the vacancy or vacancies shall be filled by another

(Part I.-Chapter II.-Union boards.-Secs. 7, 8.)

election or by appointment by the illstrict magistrate; and any person so appointed shall be deemed to be a duly elected member.

7. (1) Every male person of the full age of twenty of one years and having a place of residence within the bern halon.—

Qualification of voters and members il union boar

- (i) who, during the year immediately preceding the election, has paid a sum of not less than one rupee us cess under the Cess Act, 1880, in respect of lands situated wholly or in part in such union, or
- (i) who, during the year immediately preceding such election, has been assessed at and paid a sum of not less than one rupee for the purposes of the union rate payable under this Act, or in the case of a first election under this Act, as chankidaritux, or
- (iii) who is a member of a joint andivided family, which, during the year immediately preceding the election, has pald a sum of not less than one rupee as such cess, rate or tax.

shall be ontitled to voto at an election of members of the union board:

Provided that only one member of a joint undivided family qualified under clause (iii) and nominated by the other qualified members of that family shall be entitled to voto on its behalf at any such election.

(2) Every person who is entitled to vote at an election of members of the nuion board and is resident within the nuion, shall be entitled to be a member of

the union board if duly elected thereto.

Explanation—A person shall be deemed to be "resident" within a union within the meaning of sub-section (2) if he ordinarily resides within its limits. No person may be so resident within the limits of more than one muon at the same time

8. (1) Every union board shall be presided over by a president, who shall be elected by the members of the union board from among their own number.

President of

[Ben, Act V

# (Part I.-Chapter II.-Union boards.-Secs. 9-12.)

(2) If any union board fails to elect a president within the period prescribed by rules under section 101, the district board shall appoint a member of the board to be the president.

Vice-president

9. Every union board may elect one of its members to be the vice-president of the hoard.

Disqualification of certain persons from voting at election of, or being members of, union boards 10. Notwithstanding anything contained in this Act, no person who is not a British subject or a subject of any State in India shall be qualified to vote at an election of, or to be a candidate for election as a member of, a union board, nor shall such person be nominated to be a member of such board:

Provided that the Local Government may, by notification, exempt from the provisions of this section any person or class of persons who are not British

subjects or subjects of any State in India.

Term of office of members 11. The term of office of a member of a union board shall be three years from the date on which the district magistrate shall declare the board to be duly constituted, but shall include any period which may clapse between the expiration of the said three years and the date of the first meeting, at which a quorum is present, of the newly elected and appointed members after the next general election for the number board.

Power to remove

- 12. (1) The district board may remove any member of a union board from his office—
  - (a) who is convicted of any non-bailable offence;

- (b) who refuses to act, or becomes incapable of acting, or is declared to be insolvent; or
- (c) who has been declired by notification to be disqualified for employment in the public service; or
- (d; who, without an excuse sufficient in the opinion of the district board, absents himself from six consecutive meetings of the union boant; or
- (e) who has been guilty of misconduct in the discharge of his duties, or of any disgreeful conduct, if two-thirds of the total number of the members of the union board at a meeting recommend his ten syal.

## (Part I.—Chapter II.—Union boards.—Secs. 13-16.)

- (2) No person who has been removed from his office under clause (a) or clause (c) of sub-section (1) shall be eligible for re-election or re-appointment.
- 13. When the place of an elected or appointed Filling of member of a union board becomes vacant by his vacancies removal, resignation or death, a new member shall be elected or appointed in the manner prescribed by rules under section 101, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred:

Provided that no net of the nuion board, or of its officers, shall be deemed to be invalid by reason only that the number of members of the board at the timo of the performance of such act was less than the prescribed number

14. The term of office of a president or vicepresident of a union board shall be the residue of his of president term of office as a member of the union board.

Term of office or vicepresident

15. (1) A president of a union board may resign of president, during his term of office by notifying in writing his respected intention to do so to the chairman of the district board or member and to the union board; and on such resignation being accepted by the chairman, shall be deemed to have vacated his office.

Resignation

(2) A vice-president or a member of a union board may resign during his term of office by notifying in writing his intention to do so to the union board, and on such resignation being accepted by the union board, shall be deemed to have vacated his office.

16. (1) The district board may remove a president of a union board from his office-

Removal of president or vice-president

- (i) if he is convicted of any non-ballable offence or
- (ii) if he refuses to act, or becomes incapable of acting, or is declared insolvent; or
- he is guilty of misconduct or persistent (iii) if negligence in the discharge of his duties as president of the union board or of any disgraceful conduct, and two-thirds of the

Ben. Act y

(Part I.-Chapter II.-Union boards.-Secs. 17-19.)

total number of the members of the union board at a meeting recommend his removal.

- (2) A union board may, on the recommendation of two-thirds of the total number of the members of the board at a meeting, remove its vice-president from his office—
  - (i) if he is convicted of any non-bailable offence;
  - (ii) if he refuses to act, or becomes incapable of acting, or is declared insolvent; or
  - (iii) If he is guilty of misconduct or persistent negligence in the discharge of his duties as vice-president, or of any disgraceful conduct.

Filling of casual vacancy in office of president or vice-president.

- 17. (1) If a president of a union board dies, resigns or is removed, the union board shall, at a meetidg, within a period prescribed by rules under section 101, elect from among its members a new president.
- (2) If any union board fails to elect a new president within the prescribed period, the district board shall appoint a new president.
- (3) If a vice-prosident of a union board dies, resigns or is removed, the union board may, at a meeting, elect from among its members a new vice-president.

incorporation of union boards. 18. Every union board shall be a body corporate by the name of "the union board of (name of union)", and shall have perpetual succession and a common seal, and shall by the said name suc and be sucd, with power to acquire or hold property, both movable and immovable, and, subject to any rules made under section 101, to transfer any such property held by the board and to contract and ito aff other things necessary for the purpose of this Act.

Works emissional by a artinal tempt to seet injute best 19. Every road, building or other work constructed by a mion board from the union fund shalf be vested in the union board by [which it has been constructed.]

(Part I .- Chapter III .- Difadars and chankidars .-Secs. 20-22.)

## CHAPTER III.

#### Dafadans and chaukidans.

20. (1) The union board shall, when a vacancy and dismissal of exists, nominate a person to be a dafadar or a dafadars chankldar under this Act, and the district magistrate chankldars. shall, if satisfied with such nomination, appoint such nomince:

Provided that, if the union board fails within a reasonable time to nominate a person to be a dafadar or a chankidar, or if the district magistrate is not satisfied with such nomination, the district magistrate shall appoint any person, whom be thinks fit, to be a dafadar or n ehankidar.

- (2) The district magistrate, or the union board' with the sanction of the district magistrate, may · dismiss any dafadar or ebankidar.
  - 21. (1) The number of dufadars and chankidars to be employed in a union, the salary to be paid to salares them and the nature and cost of their equipment chaukidars. shall be determined from time to time by the district magistrate after consideration of the views of the union board.

of and

- (2) The salaries and the cost of equipment of dafadars and chankidars shall be paid by the union board, and the dafadars and chankidars receive their salaries and equipment at such times and in such manner as may be prescribed by rules under section 101.
- 22. Any dafadar or chaukidar who is guilty Power to of any wilful misconduct in his office, or neglect of dafadars chankidars. his duty, such miscondact or neglect not being of so grave a character as in the opinion of the district magistrate or the union board, as the case may be, to require his dismissal, shall be liable to be punished by the district magistrate with fine not exceeding the amount of one month's salary or by the union board with fine not exceeding one quarter of a month's salary.

í Ben. Act V

# (Part I .- Chapter III .- Dafadars and chaukidars .-Sec. 23.)

Powers and duties of dafadars and chankidars

- 23. (1) Every chankidar shall exercise the following powers and perform the following duties:-
- (i) he shall give immediate information to the officer in charge of the police-station within the limits of which the union is situated and to the president of the union board, of every unnatural, suspicions or sudden death which may occur, and of any officace specified in schedule II which may be committed within the union, and he shall keep the police and the president of the union board informed of all disputes which are likely to lead to a riot or serious affray :
- (ii) he may, without an order from a magistrate and without a warrant, arrest-
  - (a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been so concerned:
    - (b) any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking:
    - (c) any person who has been proclaimed as an offender either under the Code of Criminal Procedure, 1898, or by order of the Local 18 Government:
    - (d) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such thing;
    - (e) any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody:
    - (f) any person reasonably suspected of being a deserter from His Majesty's Army or Navy or of belonging to His Majesty's Indian Marine Service and being illegally absent from that service: and

# (Part I.—Chapter III.—Dafadars and chaukidars.— Sec. 23.)

- (g) any released convict committing a breach of any rule made nader section 565, sub-section (3), of the Code of Criminal Procedure, 1898;
- (iii) he shall, to the best of his ability, prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in schedule II;
- (iv) he shall assist private persons in making such arrests as they may lawfully make, and he shall report such arrests without delay to the officer in charge of the aforesuld police-station;
- (v) he shall observe, and, from time to time, report to the said officer the movements of all bad characters

within the union;

(vi) he shall report to the said officer the arrival of

suspicious characters in the neighbourhood;

(vii) he shall report in such manner as may be prescribed by the district Magistrate the hirths and deaths which have occurred within the union;

(viti) he shall supply any local information which the district magistrate or any police-officer may

require;

(ix) he shall ohey the orders of the union hoard in regard to keeping watch within the union and in regard to other matters connected with his duties as chankidar;

- (x) he shall give immediate information to the union board of any offence under sub-section (4) of section 30 and of any encroachment on, or obstruction to, any road or water-way within the union and of any damage to any property under the control of the union board;
  - (xi) he shall assist the person collecting the union rate in making such collection;
  - (xii) he shall serve such processes upon persons resident within the union as may be prescribed by rules under section 101; and
  - (xiii) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rules made hereunder.
  - (2) Every dafadar shall exercise all the powers conferred on a chankidar under sub-section (1) and shall perform such duties as may be imposed upon him by rules made under section 101.

[ Ben. Act V

(Part 1.—Chapter III.—Dafadars and chaukidars.— Chapter IV.—Powers and duties of union boards—Secs. 24-26.)

Procedure on arrest by dafadar or chaukidar.

24. Whenever a dafadar or chaukidar arrests any person under section 23, he shall forthwith take the person so arrested to the police-station within the limits of which the union is situated:

Provided that, if the arrest is made at night, such person shall be so taken, as soon as convenient, on the

following morning.

Fines to be credited to district chaukidari reward fund.

25. All fines realized from a dafadar or chankidar under section 22 of this Act shall be credited to a district chankidari reward fund, the control over which shall rest with the district magistrate.

# CHAPTER IV.

## POWERS AND DUTIES OF UNION BOARDS.

Duties of union

26. Every union board-

(1) (a) shall take such action as is necessary to secure the due performance by the dafadars and chaukidars of the union of the duties imposed on them under this Act, and shall exercise a general control over them:

(b) shall provide, as far as possible, for the sanitation and eonservancy of the union and for the prevention of public nuisances

therein;

(c) shall make special arrangements for the sanitation and conservancy of fairs and melas

held within the union;

(d) shall have control of all drains and other conservancy works within the union which are not under the control of any other authority:

(e) shall execute all works that are necessary for the preservation of public health and for improving the sanitation, conservancy or drainage of the union;

(f) shall supply may local information which the district magistrate or the district board or

local board may require; and

 (9) shall perform all such other acts as may be necessary to carry out the purposes of this Act;

# (Part 1.—Chapter IV.—Powers and duties of union boards.—Sec. 27.)

- (2) shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871':
  - (3) if required to do so by the district magistrate. shall provide for the registration of births and deaths within the union under the provisions of the Bengal Births and Deaths Registration Act. 1873':
    - (4) shall cause such processes as may be received by the union board for service to be duly served by a dafadar or chankidar in accordance with rules under section 101; and
    - (5) may undertake and carry out any other local work of public utility likely to promote the health, comfort or convenience of the public, and not otherwise provided for in this Act.
    - 27. (1) If it uppears necessary to improve the sanltury condition of the union or any part thereof-

Powers of union board as to sanita.

- a) the union board may, or, under the orders of the district board, shall-
  - (i) cause huts or privies to be removed either wholly or in part: (ii) cause private drains to be constructed, altered
  - or removed:
  - (iii) cause public drains to be constructed, altered or removed :
  - (iv) cause-

any well, pool, ditch, tank, pit or pond, or any place containing or used for the collection of any drainage, filth or stagnant water.

which appears to be injurious to health or offensive to the neighbourhood or in any other respects a nuisance, to be filled up, cleansed or deepened or the water to be drained off or removed therefrom, or such other action to be taken therewith as may be deemed necessary;

<sup>1</sup> General Acts, Vol. II.

Ben. Act V

(Part I.—Chapter IV.—Powers and duties of union boards.—Sec. 27.)

(v) canse any land, which by reason of thick vegetation, undergrowth or jungle appears to be in a state injurious to health or offensive to the neighbourbood or to form an impediment to efficient veutilation, to be cleared of such vegetation, undergrowth or jungle:

(vi) cause burning-ghats and burial grounds to be established; and

(vii) cause such other improvements to be made as are necessary to improve the sanitary condition of such union or part; and

- (b) the union board may, by written notice, require, within a reasonable period to be specified therein.—
  - (i) the owner or occupier of any hut, or the owner of any privy to remove such hut or privy either wholly or in part; or
  - (ii) the owner or occupier of any building to construct private drains therefor or to after or remove private drains thereof; or
  - (iii) the owner or occupier of any land or building to which any such well, pool, ditch, tank, pit, pond or place as is referred to in clause (a) (iv) pertains, or of any such land as is referred to in clause (a) (v), to do anything which the union board is itself empowered to do under either of those clauses.

(2) If any work required by any such notice is not executed within the period specified in the notice, the union board may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub-section (I), as if it were an arrear of rate imposed under section 37.

(3) An appeal shall lie against every notice issued under clause (b) of sub-section (b), to the charman of the district board, who, after giving the owner and occupier full opportunity of adducing evidence and of being heard, may make an order cancelling, modifying or confirming the said notice. Such appeal shall be illed within differently from the date of service of the notice.

(Part 1.-Chapter IV .- Powers and duties of union boards,-Sees, 28, 29,)

28. (1) A union board may employ an establishment for the eleansing of the union or any part thereof.

unions.

- (2) Where no such establishment is employed by a union beard, the board may, by written notice, require owners or occupiers of land in the union to eleanse such land to the satisfaction of the board within a reasonable period, to be specified in the notice.
- (3) If any person on whom notice has been served under sub-section (2) fails to comply with the requisition contained in the notice, the union board shall, unless reasonable cause to the contrary is shown,-
  - (a) cause the land to be cleansed, and
  - (b) recover from such person such portion of the cost of such cleansing as the union board may direct, as if it were an arrear of rate imposed under section 37.
- (4) An appeal shall lie against every notice assued under sub-section (2) to the chairman of the local board, who, after giving the owner and occupier full opportunity of adducing evidence and of being heard, may make an order cancelling, modifying or confirming the said notice. Such appeal shall be filed within fifteen days from the date of service of the notice.
- 29. (1) The union board may, subject to rules made under section 101, by written order .-

Power of union board to control erection of buildings, etc

- (a) direct, in accordance with a scheme approved by the local board for any part of the union, that no building, wall or platform shall be erected, re-erected or added to in advance of an alignment to be prescribed by the union board and demarcated on the ground : and
- (b) prescribed, in accordance with the said scheme. the space which shall intervene between any new or enlarged building and the building next adjacent and between any new or enlarged building and any road in the nuion.

Ben. Act V

# (Part I.-Chapter IV .- Powers and duties of union boards.—Sec. 30.)

- (2) Where any building, wall or platform has been placed in contravention of an order passed by the union board under sub-section (1), the union board may apply to the district magistrate, and such magistrate may make an order-
  - (i) directing either that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (1), be demolished by the owner of the building, wall or platform, or that it be altered by him to the satisfaction of the union board, within such time as may bo fixed by the district magistrate; or
  - (ii) directing that the work done, or so much of the same as has been executed in contravention of the order passed under subsection (1), he demolished or altered by tho union hoard at the expense of the owner within such time as may be fixed by the district magistrate:

Provided that the magistrate shall not make any such order without giving the owner full opportunity of addneing evidence and of being heard.

(3) If any person to whom a direction to demolish or alter any building, wall or platform, is given under clause (i) of sub-section (2), fails to obey the same, he shall be liable to a fine which may extend, in the case of a masonry building, wall or

rapees, and, in the case of any

platform, to twenty rupees, and to a further the which may extend, in the case of a musonry building, wall or platform, to ten rupees, and in the case of any other building, wall or platform, to two rupees for each day during which, after the period fixed by the district magistrate, he fails to obey the direction to demollsh or alter the building, wall or platform.

30. (1) A union board may provide the union or any part thereof, with a supply of water, proper Cower of union and sufficient, for public and private purposes; and,

tened to provide earsty.

# (Part I.—Chapter IV.—Powers and duties of union boards.—Sec. 30)

for such purposes, may, or, undor the orders of the district board, shall,—

- (a) construct, repair and maintain tanks or wells, and clear out streams or water-courses.
- (b) with the sanction of the Local Government, and subject to such rules as may be made under section 101, construct, repair and maintain water-works.
- (c) purchase or acquire by lease or gift any tank, well, stream or water-conrse, or any right to take or convey water within or without the union;
- (d) with the consent of the owner thereof, utilize, cleanse or repair any tank, woll, stream or water-course within the union, or provide facilities for obtaining water therefrom;
- (e) contract with any person for n supply of water; or
- (f) do nuy other acts necessary for carrying out the purposes of this section.
- (2) The union board may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes any tank, well, stream or water-course in respect of which action has been taken under clanse (a), (c) or (d) of sub-section (1), subject to any rights which the owner referred to in clause (d) of that sub-section may retain with the consent of the board.
- (3) The union board mny, by order published at the places as it may think fit, prohibit all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for driuking or culinary purposes under sub-section (2).
- (4) Any person who disobeys no order issued under sub-section (3), shall be punished with fine which may extend to twenty-five rupees

[Ben. Act v

# (Part 1.—Chapter IV.—Powers and duties of union boards.—Secs. 31-34.)

Powers of union be rd as to reads, bridges and waterways

- 31. The union board shall have control of all roads, bridges and water-ways within the union, not being private property and not being under the control of the Local Government or the district board or local board, and may do all things necessary for the maintenance and repair thereof, and may—
  - (a) lay out and make new roads:
  - (b) construct new bridges:
  - (c) divert, discontinue or close any road or bridge;
  - (d) widen, open, enlarge or otherwise improve any road or bridge;
  - (e) deepen or otherwise improve water-ways; and
  - (f) provide for the lighting of any road or public place within the union.

Establishment of primary schools and dispensaries 32. The union board may, subject to any rules made under section 101. establish primary schools or dispensaries, or assume charge of existing primary schools or dispensaries, and shall repair, maintain and manage any primary school or dispensary under its charge.

Transfer of certain duties from the distinct or local foard to a union board

33. The district board or local board may, from time to time, with the consent of the union board, make over to a union board, subject to such conditions as they may deem necessary, the management of any within or the execution of any work or duty within the area over which the union board has control; and thereupon such union board shall do all things necessary for the management of the institution or the execution of the work or duty:

Provided that the funds necessary for the management of the institution and the execution of the work or dity shall be placed by the district board or local board at the disposal of the union board.

<sup>34. (1)</sup> This section shall not apply to any union to these constituted under section 5 until the Local Government specially extends it there to by notification.

# (Part I.-Chapter IV.-Powers and duties of union boards -Sec. 35.)

(2) In any union to which this section is so extended, no place shall be used without a license from the union board, which shall be renewable annually for the purpose of any trade or business which the Local Government may, by notification, declare to be offen-

sive or dangerous.

(3) A notification under sub-section (2) may anthorize the union heard to levy a fee not exceeding such maximum amount as may be specified in the notificatlon in respect of any license granted by it, and subjeet to the approval of the district magistrate, to impose such conditions in respect of such license as

may be considered necessary.

(4) Whoever, in any union, uses any place for the purpose of any trade or business which is declared under sub-section (2) to be offensive or dangerons, or fails to comply with any condition subject to which a license is granted under that sub-section, shall be punished with fine which may extend to twenty-five rupees, and to a further fine which may extend to five rupees for each day after conviction during which he continues so to offend.

(5) The union board, upon the conviction of any person for failing to comply with any condition of a license granted nuder sub-section (2), may suspend or

cancel any such license.

(6) An appeal shall lie to the district magistrate against every order by a union board refusing, suspending or cancelling a license; and the decision of the district magistrate thereon shall be final.

The union board, or any member, officer or servant thereof, may enter into or upon any huilding or land, with or without assistants or workmen, in order to make any inspection or execute any work for the purposes of, or in pursuance of, clause (1) of section 26 or section 27, 28, 29, 30, 31, 32, 33 nr 34:

Provided as follows:

(a) no such entry shall be made between sunset and sunrise:

(b) no dwelling-house shall be so entered, unless with the consent of the occupier thereof. without giving the said occupier at least twenty-four honrs' previous written notice signed by the president or vice-president of the intention to make such entry; and

Power of entry

(Part I.—Chapter IV.—Powers and duties of union boards.—Chapter V.—Union fund.—Secs. 36-38.)

(c) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Appointment of establishment for union board.

36. With the approval of the local board, a union board may appoint such staff of officers and servants as it may consider necessary to carry out its duties under this Act, and may fix the salaries to be paid to such staff.

## CHAPTER V.

## Union fund.

Imposition of

- 37. The union board shall impose yearly on the owners or occupiers of huildings, within the union, a rate amounting to—
  - (a) the sum required, after deduction of the contribution, if any, made by the Local Government in this helalf, for the salaries and equipment of the dafadars and chankidars and the salaries of the establishment of the union board, and
  - (b) the sum estimated to be required to meet the the expenses of the board in carrying out may of the other purposes of this Act, if such estimate has been approved by not less than two-thirds of the total number of the members of the board at a meeting specially convened for the purpose,

together with ten per cent, above such sums to meet the expenses of collections and the losses due to nonrealization of the rate from defaulters.

Nature of as-

38. (1) The rate to be imposed by a union board under section 37 shall be an assessment according to the circumstances and the property within the union of the persons liable to the same:

Provided that the amount assessed upon any person in any one year shall not be more than eighty-four rupees.

# (Part I.-Chapter V.-Union fund,-Secs. 39-42.)

- (2) Any person who, in the opinion of the union board, is too poor to pay half an auna a month. shall be altogether exempted from payment of any rate under this Act.
- 39. The assessment for the imposition of the rate under section 37 shall be made in accordance with assessment rules prescribed under section 101, and any person by the dissatisfied with the amount at which he has been assessed may, within such time as may be specified in those rules, apply to the union board, either orally or in writing, for a revision of the assessment, and the union board may amend the assessment or confirm the same.

Procedure and thereof

40. The district magistrate may, at any time, power of diseall for the papers containing the assessment of the thet magnitude assessment of the the magnitude assessment of the the magnitude assessment of the papers. union rate imposed under section 37, and may, after ment such inquiry as may be necessary, pass such orders thereon as he may think proper.

41. The payment of the rate shall be made in 41. The payment of the rate shall be made in Arrest to be accordance with rules prescribed under section 101, recovered by distributed arise of and, in ease of default of any such payment, the merable property president of the union board, or, if so directed by him, of defaulter. the vice-president, shall cause the chankillar or any other person authorized in writing by the president or the vice-president to levy, by the distraint and sale of a sufficient portion of the movable property of the defaultor, the amount of his arrear, together with a sum equal to half the amount of such arrear, by way of penalty.

42. (1) The distraint and sale of such movable was project property shall be conducted in accordance with rules and sold for prescribed under section 101.

(2) All goods and chattels, except plough-cattle and tools and implements of trade and agriculture. found in or upon any building or land occupied by any defaulter, shall be deemed to be his property, and shall be liable to be distrained and sold for the recovery of the arrear, and also the penalty due under section 41.

Ben. Act V.

(Part I.—Chapter V.—Union fund.—Secs. 43-45.)

(3) If any of the goods and chattels liable to be distrained belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

Distraint and sale of property beyond limits of the union 43. If the union board is unable to recover under section 12 the amount due for the arrear of rate and the penalty, the district magistrate may, en the application of the union board, issue his warrant to any officer of his court for the distress and sale of any movable property or effects belonging to the defaulter within any other part of the jurisdiction of the magistrate, or for the distress and sale of any movable property belonging to the defaulter within the jurisdiction of any other magistrate exercising jurisdiction within Bengal; and such other magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount, if levied, to he remitted to the magistrate issning the warrant, who shall remit the same to the union board.

Irregularities not to avoid distraint

44. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser on account of any defect irregularity or want of form in any assessment, nntice, summons, power, writing, inventory or other proceeding relating thereto, nor shall such person be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may receiver full satisfaction for any special damage sustained by them, in any count of competent jurisdiction, subject to the provisions of section 64.

Grant-in-aid from district

45. The district board may make in the uninn hoard such grants-in-aid from the district fund, as they may think fit, to enable the union board in earry out any of the purposes of this Act, and may attach to such grants any conditions that may appear to the district board to be desirable:

Provided always that in the case of any minuboard which has imposed a rate under chause (b) of section 37 the district board shall make a suitable grant-in-aid.

(Part I.-Chapter V.-Union fund.-Chapter VI-General provisions relating to union boards.— Secs. 46-48.)

- 46. (1) All sums realized under section 41 and all sums realized as fines, fees or costs under this Act, other than fines imposed under section 22, any fees paid to the union hoard in respect of processes served through the hoard, and all other receipts of the union board, union bench or union court, including any donation or contribution from a private person, shall be paid into a fund to be called "the union fund", the accounts of which shall be kept in accordance with rules prescribed under section 101.
- (2) Except as is otherwise provided in this Act, the expenses incurred by the union hoard, the union bench or the union court in carrying out the purposes of this Act, including such reasonable compensation as the board may think fit to pay under section 61, shall he paid out of the union fund:

Provided that the salaries and cost of equipment of dafadars and chaukidars and the salaries of the establishment of the union board sball be the first charge upon the union fund:

Provided also that all sums made over to a union board for any specific purpose shall be applied solely to that purpose.

#### CHAPTER VI.

GENERAL PROVISIONS RELATING TO UNION BOARDS.

#### Delegation.

47. The district magistrate may, by an order in writing, delegate the powers or duties specified in the traits powers. first column of schedule III to the officers mentioned and duties. in the second column thereof.

mag15-

Union fund

#### Disputes.

48. (1) If a dispute arises between two or more union boards, which are subordinate to the same ween boards, ocal board, the matter shall be referred to such ocal board; and the decision of the local board hereon shall be final and binding.

Disputes betunion

ACT, 1919.

Ben, Act V

(Part I.-Chapter VI.—General provisions relating to union boards.—Secs. 49—52.)

(2) If a dispute arises between two or more union boards, which are within the same district but which are subordinate to different local boards, the matter shall be referred to the district board; and the decision of such district board thereon shall be final and binding.

Disputes between a municipal anthority and a union board. 49. If a dispute arises between a municipal authority and a union board within the same district, the matter shall be referred to the district magistrate; and the decision of the district magistrate thereous shall be final and binding:

Provided that, if the district magistrate is a member of the municipal authority concerned, his functions under this section shall de discharged by the commissioner.

#### Control.

Local board to superintend the administration of union boards.

50. Subject to the control of the district board, a local board shall superintend the administration of union boards within the area under the authority of the local board, except in matters relating to dafadars and chankidars.

Supervision of union boards by commissioners and other officers.

- of 51. (1) It shall be the duty of all commissioners, district magistrates, subdivisional magistrates, circle officers and chairmen of district boards and local boards to see that the proceedings of union boards are in conformity with law and with the rules in force thereunder.
  - (2) The commissioner may, by order in writing, annul any proceeding which he considers not to be in conformity with law and with the said rules, and may do all things necessary to secure such conformity.

lespection of union fears enough, 52. Every union board shall at all times permit the commissioner, the district magistrate, the chairman of the district heard or local board, or any other person authorised by them or by the Local Government, to have access to all its books, proceedings and records.

#### (Part I.-Chapter VI.-General provisions relating to union boards.—Secs. 53-55.)

53. The commissioner, the district magistrate, the chairman of the district board and local board, work or property of union board. and any other person authorised by them or by the Local Government, shall have power at all times to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, or any institution controlled by, a union board.

54. (1) If at any time the district magistrate is satisfied that the whole or any portion of the salaries, son in case or of the cost of equipment, of dafadars and chankishaft. dars, or of the salaries of the establishment of a union hoard, is in arrear, the district magistrate may appoint such person or persons as he may consider necessary to realize any sum so due, together with the incidental cost (if any) of collecting it.

- (2) Any person so appointed may realize any such sum and eost either from the balance at the credit of the union fund or by the collection of any outstanding portion of the union rate as assessed by the union board, or, if the amount so collected is insufficient, by the imposition and collection of a supplementary assessment.
- (3) A person so appointed shall exercise all the powers vested in the union hourd for the assessment and collection of the union rate.
- (4) The amount collected under sub-section (2) shall be disbursed in the payment of the sum and the cost referred to in sub-section (1) and the balance (if any) shall be paid to the union fund.
- 55. (1) When a union board makes default in performing any duty imposed on it by the district provide to board under section 27 or section 30, the district reformation hoard may fix a period for the performance of that Tier 20 in duty.

(2) If any such duty is not performed within the period fixed under sub-section (I), the district hourd may appoint such person or persons as they consider necessary to perform it, and may direct that the expense of performing it, together with a reasonable remuneration to such person or persons, shall be forthwith paid by the union board.

by a union board

[Ben. Act V

## (Part I.-Chapter VI.-General provisions relating to union boards.—Secs. 56-58.)

Power to remove ' the president or bnami

- 56. (1) If the commissioner, after consideration the president or of the views of the district magistrate and the district board, is of opinion that a union board is not competent to perform, or persistently makes default in the performance of, the duties imposed upon it by, or under, this or any other Act, or execeds or abuses its powers, the commissioner may, by an order in writing specifying the reasons for so doing, either-
  - (a) remove the president of the union board from his office both as president and as member: or
  - (b) superscde the board for a period to be specified in the order.
  - (2) Every such order shall be published locally in such manner as may be prescribed by rules under section 101.

Consequences of auperseasion.

- (1) When a union board is supersched under section 56, sub-section (1), the following consequences shall ensue :-
  - (a) all members constituting the board shall, as from the date of the order, vacate their offices as sacia members :
  - (b) all powers and duties of the union board shall, during the period of supersession, be exercised and performed by such local authority, person or persons, and in such manuer as the commissioner may direct; :111લે
  - (c) all property vested in the union board shallduring that period, vest in such local authority, person or persons, and in such manner, as the commissioner may direct.
- (2) On the expiration of the period of supersession the union board shall be re-established by re-election or re-appointment in the manner provided in section 6.

58. The district magistrate, or the district board, may, by an order in writing, suspend the execution of est action any order or resolution of a union board within the at a Last

of 1919,}

(Part I.-Chapter VI.-General provisions relating to union boards,-Secs. 59, 60.)

jurisdiction of such magistrate or district board, or the doing of any act which is about to be done, or is being done, by such union board, if in the opinion of the district magistrate or the district board the execution of the resolution or order, or the doing of the act, is likely to cause injury, or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace.

59. When the district magistrate or the district board makes any order under section 58, the magis trate or district board under section 58, the magis trate or district bo trate or board, as the case may be, shall forthwith tion 58 to submit to the commissioner a copy of the order, with teported to the a statement of the reasons for making it and with any explanation which the union board concerned may wish to offer, and the commissioner may thereupon confirm, modify or rescind the order.

Order of magis-

#### Miscellaneous.

60. (1) If any member of a union board otherwise than with the sanction of the local board, or if or servant any officer or servant maintained by or employed interested under the union board, participates or agrees to perticipate in the profits of any work done by the union board or is concerned or participates in the profits of any contract entered into with the board, he shall be liable on conviction before a criminal court to a fine which may extend to five hundred rupees:

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person-

(a) having a share in any joint-stock company which shall contract with, or be employed by, or on beball of, the union board; or

(b) baving a share or interest in any newspaper in which any advertisement relating to the affairs of the union board may be inserted: or

(c) holding a debenture or being otherwise concerned in any loan raised by, or on behalf of, the union bould; or

(d) being a member of a society registered under the Co-operative Societics Act, 19121, which enters into any contract with the union

board.

of 1912

Ben. Act'V

# (Part I.—Chapter VI.—General provisions relating to union boards.—Secs. 61-64.)

- (2) Nevertheless it shall not be lawful for a person having any share or interest, such as is described in clauses (a) and (b) of the proviso to sub-section (I), to act as a member of the union board in any matter relating to a contract or agreement between the union board and such company or the manager or publisher of such newspaper.
- (3) Nothing in this section shall apply to the payment of fees to a legal practitioner for services rendered by him in his professional capacity.

Power to make compensation for damage

61. Every union board may make compensation to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

Liability of

members.

- of 62. (1) No member of a union board shall be personally liable for any contract made, or expense incurred, by or on behalf of the board.
  - (2) Every member shall be personally liable for any wilful misapplication of money entrusted to the union board to which he shall knowingly have been a party, and he shall be liable to be, sued for the same by the district board.

Bar lo suits.

63. No suit or other legal proceeding shall lie against a union board, or any member or officer thereof acting under the direction of such board, in respect of anything done lawfully and in good faith and with due care and attention under this Act or any rule made hereunder.

No suit to be brought until after one month's notice of cause of action.

64. (1) No suit or other legal proceeding shall be brought against any mnion board or any of its members or officers, or any person acting under its direction, for anything done under this Act, until the expiration of one mouth next after notice in writing has been delivered or left at the office of such hoard, and also (if the suit is intended to be brought against any member or officer of the stid board, or any person acting under its direction) at the place of abede of the person against whom such sait is intended to be brought, stating the cause of action and the name and

of 1919.] -

## (Part II.—Chapter VII.—Union benches and union courts.—Secs. 65, 66.)

place of abode of the person who intends to bring the suit; and unless such notice be proved, the court shall find for the defendant.

(2) Every such action shall be commenced within three months after the accrual of the cause of action, and not afterwards.

(3) If any union board or person to whom a notice under sub-section (1) is given shall, before a snit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

### PART II.

#### CHAPTER VII.

UNION BENCHES AND UNION COURTS.

#### Union benches.

65. Whenover a union board has been established for any union, the Local Government may, by notification, appoint any two or more of the members of the board to be a nnion beneh, during their term of office as members of the board, for the trial, in the whole or any part of the union, of the offences specified in schedule IV, if committed within the limits of its jurisdiction.

Constitution of union beach.

Junsdiction of

66. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the union bench shall have jurisdiction concurrent with that of the criminal count within the local limits of whose jurisdiction the union is situated, for the trial of all offences specified in schedule IV, part A, and the union bench may try any offence specified in schedule IV, part B, if the case is transferred to the bench by a district magistate, subdivisional magistate or any other magistrate empowered to receive petitions under section 190 of the Code of Criminal Procedure, 1898;

Provided as follows:-

 (a) a magistrate before whom a complaint of an offence cognizable by a nnion bench is brought may transfer the complaint to the union bench;

General Acts, Vol. V.

Ben. Act

(Part II.—Chapter VII.—Union benches and union courts.—Secs. 67—70.)

(b) the district magistrate or subdivisional magis trate may transfer any case from one union bench to another or to any other court subordinate to him.

How case may

67. A case before a union bench may be instituted by petition, made orally or in writing to a member of the nnion bench. If the petition is made orally, the member sball record the name of the petitioner, the name of the person against whom the petition is brought, the nature of the offence and such other particulars, if any, as may be prescribed by rules under section 101, and shall direct the petitioner to appear before the bench.

Power of bench o dismiss or to reinse to entertain petition.

4

- 68. (1) If upon the face of the petition, or on examining the petitioner, the union bench is of opinion that the petition is frivolous, vexations or nature, it shall dismiss the case by order in writing.
  - (2) If at any time it appears to the bench-

(a) that it has no jurisdiction to try the case, or

- (b) that the offence is one for which the sentence which the bench is competent to pass would be inadequate,
- (c) that the case is one which should not be tried by the bench,

it shall direct the petitioner to the proper court.

Dismissal of case for detault.

69. If in any ease before a union bench the petitioner fails to appear on the day fixed, or if in the opinion of the bench he shows negligence in prosecuting his case the bench may dismiss the case for default, and such order of dismissal shall operate as an acquittal.

Proceedings prelimitary to trial 70. (1) If the petition be not dismissed the union bench shall, subject to the provisions of section 98, by summons or otherwise, require the accused to account and unswer the petition.

appear and answer the petition.
(2) If the neemed fails to appear or cannot be found, the bench shall report the fact to the nearest mugistrate, who may issue a warrant for the arrest of

(Part II.—Chapter VII.—Union benches and union courts.—Secs. 71, 72.)

the accused, and when arrested may forward him for trial to the bench, or release him on bail to appear before it.

- (3) The union bench shall, if possible, try the case on the day on which the accused appears or is brought before it; but if that is not possible, the union, hench shall release him on his executing a bond for a sum not exceeding twenty-five rupees to appear before the hench on any subsequent day or days to which tho trial may be adjourned.
- 71. Notwithstanding anything contained in the Barto appeal f 1898. Code of Criminal Procedure, 1898, there shall be no of the order of appeal hy a convicted person in any case tried hy a union bench but union heach:

power to order

Provided that the district magistrate or subdivisional magistrate, if satisfied that a failure of justice has occurred, may, of his own motion, or on the application of the parties concerned, cancel or modify any order of conviction or of compensation made by a union bench or direct the retrial of any ease hy a court of competent jurisdiction subordinate to him.

72. (1) A union bench shall record its decision 72. (1) A union bench shall record its decision Power of union in writing, and may sentence any offender convicted for the lapore by it to pay a fine not exceeding twenty-five rupees compensation or in default to imprisonment for a period not exceeding seven days.

- (2) If a union bench is satisfied that a complaint made before it or transferred to it for trial is vexations or frivolous, the bench may order the complainant to pay to the accused such compensation, not exceeding twenty-five rapees in all, as it thinks fit, or in default may sentence the complainant to simple imprisonment for a period not exceeding seven days.
- (3) When a person has been sentenced to imprisonment under sub-section (1) or sub-section (2) in default of such payment, if such fine or compensation be not paid or reatized within ten days of the passing of the sentence or order, or within such further time, if any, as the bench may allow, the

[Ben, Act V

(Part II.—Chapter VII.—Union benches and union courts.—Secs. 73, 74.)

bench may cause him to be arrested and may commit him to the nearest jail to serve his sentence:

Provided that, notwithstanding anything con- Act XLV tained in the Indian Penal Code!-

- (a) the fine imposed or compensation awarded by a union bench shall not be realized from any person who has served his term of imprisonment under this section:
- (b) the person serving his term of imprisonment shall be forthwith released, if the fine or compensation is paid before the expiry of the term of imprisonment:

Provided also that no woman shall be sentenced to imprisonment in default of payment of fine or compensation.

(4) All fines realised by the union bench shall be credited to the union fund.

#### Union courts.

Constitution of nion court 73. Whenever a union board has been established for a union, the Local Government may, by notification, appoint any two or more of the members of the board to be a union court during their term of office as members of the board, for the trial, in the whole or any part of the union, of all or any of the classes of civil suits specified in section 74.

Jamediction of

- 74. Notwithstanding anything contained in the Bengal, Agra and Assau Civil Courts Act, 1887, the xit of 100. Provincial Small Cause Courts Act, 1887, and the ix of 100. Code of Civil Procedure, 1908, and subject to the Act of 100 provisions of sections 75 and 76, the mnion court and the ordinary civil court, within the local limits of whose jurisdiction the union is situated, shall have concurrent jurisdiction to try the following classes of suits, mamely:—
  - (a) suits for money due on contracts;
  - (b) suits for the recovery of movable property or the value of such property; and

official Series Vol 1 Official Code, Vol 1 Official Acts, Vol 1V Official Acts, Vol 1V

(Part II.-Chapter VII.-Union benches and union courts-5 cs. 75, 76.)

(c) suits for compensation for wrongfully taking or injuring movable property.

when the value of the suit does not exceed two hundred runecs:

Provided that, on the application of any defendant made in accordance with the provisions of section 51, the court of small causes or court of the munsif, within the local limits of whose jurisdiction the union is situated.--

- (i) may withdraw the suit when its value does not exceed twenty-five rupees, and
- (ii) shall withdraw the suit when its value exceeds twenty-five rupees,

from a union court for trial by itself.

75. No suit shall lie in any union court-

Certein suite not to be tried by union court.

- (1) on a halance of partnership account.
- (2) for a share or part of a share under an intestaey, or for a legacy or part of a legacy nnder a will,
- (3) by or against Government or public officers in their official capacity,
- (4) by or against minors or persons of unsound mind.
- (5) for the assessment, enhancement, reduction. abatement, apportionment or recovery of rent of immovable property, or
- (6) by a mortgagee of immovable property for the enforcement of the mortgage by foreclosure or sale of the property or otherwise. or by a mortgagor of immovable property for the redemption of the mortgage.

76. No suit shall lie in any union court, unless local limits of at least one of the defendants resides within the mind court. limits of its inrisdiction at the time of the institution of the suit, and the cause of action has arisen wholly or in part within those limits.

[Ben. Act Y

(Part II.—Chapter VII.—Union benches and union courts.—Secs. 77-52.)

How suit may

- 77. (1) A suit before a union court may be instituted by petition made orally or in writing. If the petition is made orally, the court shall record such particulars as may be prescribed by rules under section 101.
- (2) The plaintiff on instituting his suit shall state the value of the claim.

Action to be taken if suit not truble by a union court

- 78. (1) If at any time the union court is of opinion that the snit is barred by limitation, the court shall dismiss the snit by order in writing.
- (2) If at any time it appears to the court that it has no jurisdiction to entertain the suit, the court shall direct the petitioner to the proper court.

Diemieenl of enit for default

- 79. If in any suit before a nnion court the plaintiff fulls to appear on the day fixed, or, if in the opinion of the court, he shows negligence in prosecuting his snit, the court may dismiss the suit for default:
- Provided that a union court may restore a suit dismissed for default, if within thirty days from the date of such dismissal the plaintiff satisfies the court that he was prevented by sufficient cause from appearing.

Sammons defendant appear answer to

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80. If on receiving the petition the union court is satisfied that the trial of the suit may be proceeded with, it shall, by summons or otherwise, require the defendant to appear and answer the suit either orally or in writing.

Postponem on to on application for transfer.

- 81. If, before the commencement of the hearing of the suit, the defendant notifies to the union court that he has applied or that he intends to apply under the proviso to section 71 for the transfer of the suit to the court of small causes or the court of the munsif, the union court shall postpone the trial in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon.
- 82. If the defendant fails to appear, and the union court is satisfied that he has received notice of the date fixed for the hearing, the court may decide the suit expuric.

(Part II.—Chapter VII.—Union benches and union courts .- Secs. 83-86.)

Provided that any defendant against whom a suit has been decided ex parte may, within thirty days from the date of executing any process for enforcement of the decision, apply, orally or in writing, to the union court to set aside the order; and tho court, if satisfied that the defendant did not receive due notice of the date of hearing, or was prevented from appearing by any sufficient cause, shall set asido the decision and shall appoint a day for proceeding with the suit.

83. No deelsion or order of a nnion court shall be set be set aside under section 79 or section 82 nnless without notice in writing has been served by the union court to party. on the opposite party.

84. (1) Subject to the provisions of clanses (3) and (4) of section 75 the union court shall add as uoion parties to a suit any persons whose presence as parties occessary parties. it considers necessary for a proper decision thereof, and shall enter the names of such parties in tho register of suits, and the suit shall be tried as hetween the parties whose names are entered in the said register:

Provided that when any party is added, notice shall be given to him and he shall be given an opportunity of appearing before the trial of the suit is proceeded with.

(2) In all cases where a new party appears under the provise to sub-section (1) during the trial of a suit. he may require that the trial shall begin de novo.

85. No union court shall proceed with the trial of any suit in which the matter directly and sub- not stantially in dispute is pending for decision in the same court court or in any other court in a previously instituted snit between the same parties, or between parties under whom they or any of them claim, or has been heard and finally decided in a suit between the same parties, or between parties under whom they or any of them claim.

86. When the parties or their agents have been heard and the evidence on both sides considered, the sales costs. union court shall, by written order, pass such decree as may seem just, equitable and according to

Ben. Act v

(Part II.—Chapter VII.—Union benches and union courts.—Secs. 86-92.)

good conscience, stating in the decree the amounts pay able as fees under section 90, and the amount, if any, paid to witnesses under section 96, sub-section (3). and the persons by whom such amounts are payable.

Insta<sup>†</sup>ments

87. A union court in ordering the payment of a sum of money or the delivery of any moveable property may direct that the money be paid, or the moveable property be delivered, by instalments.

Decision

The decision of a union court in every suit 88. union court to be final as between the parties to the snit: to order terial.

Provided that the district judge may, on the application of any party to the suit made within thirty days of the decree of the union court, cancel or modify the order of the union court or direct a retrial of the suit by the same or any other union court or by any other court subordinate to him if he is satisfied that there has been a failure of instice.

Death Darties.

89. If the plaintiff or defendant in any suit dics before the suit has been decided, the suit may, subject to the provisions of clanse (4) of section 75, be proceeded with at the instance of, or against, the legal representatives of the deceased plaintiff or defeudant, as the case may be.

Fee.

- 90. (1) In all suits instituted in and decided by a union court a fee of one anna in the rupee shall be payable on the amount of the claim up to twenty-five rupees, and an additional fee of half-an-anna for every rapee of the claim above twenty-five rapees.
- (2) If the claim is decreed in full, the fee shall be realized from the judgment debtor together with the amount decreed.
- (3) If the amount is decreed in part the fee shall be realized pro rata from the decree-bolder and the indgment-debtor.
- (4) If the suit is dismissed, the fee shall be realize ed from the plaintiff
- (5) All such fees realized by the muon court of all be credited to the union fined and shall not be paid to either party.

(Part' II.-Chapter VII.-Union benches and union courts.—Secs. 91—93.)

91. (1) If the union court granting n decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect stating the amount due to him and the amount due on account of fees under section 90.

Execution οf

(2) Any decree-holder wishing to excente a decree of a union court may apply to the court of the munsif within the local limits of whose jurisdiction the union is situated and shall present with his application a certified copy of the order of the union court; but no application for excention shall be entertained by the munsif-

- (a) unless the union court has cortified that It is unable to effect satisfaction of the decree. and
- (b) unless the application is made after the expiry of three months from the date of the deerce.
- (3) In excenting a decree of n union court a munsif shall have the same powers and follow the same procedure as if he were executing a decree passed by himself, but any amount realized on account of fees under section 90 shall be eredited to the Local Government.
- 92. When the amount decreed under section \$6 and the amount due on account of fees under section tion of demand to 90 are not realized in full, such sum as is realized shall be be rateably distributed-

Sums realized in part satisfacdistributed rateably.

> Procedure benches

and union courts

union

(a) if realized by the union court, between the decree-holder and the union fund, and

(b) if realized by the court of the munsif, between the decree-holder and the Local Government.

General provisions relating to union benches and union courts.

(1) The provisions of—

CTf of 1870

Act V of 1898

Act V of 1908

(a) the Court-fees Act, 1870,1

(b) the Code of Criminal Procedure, 1898,<sup>2</sup> excepting Chapter XXXIII, and

(c) the Code of Civil Procedure, 1908,3

shall not apply to any trial, snit or proceeding before a union bench or a union conrt.

General Acts, Vol 1L. General Acts, Vol V. General Acts, Vol VI

[Ben. Act V

# (Part II.—Chapter VII.—Union benches and union courts—Secs. 94—96.)

(2) The procedure to be followed by a union bench or a union court in any trial, suit or proceeding and in the enforcement of its decisions and orders, and in the method of forming a quorum shall, subject to the provisions of this Act, be in accordance with rules prescribed under section 101.

Persons who are to preside over union bench or union court.

- 94. (1) The union bench and the union court shall he presided over by the president of the union board, if he is a member of the hench or court.
  - (2) If the president of the union board is absent from a sitting of the union bench or court, or if he is not a member of the hench or court, the bench or court, as the case may he, shall elect its own president.
  - (3) In case of difference of opinion among the members of the hench or court the decision or order of the bench or court shall follow the opinion of the majority of the members present and voting.
  - (4) In case of an equality of votes, the person presiding over the bench or court shall have a second or easting vote.

Member of union bench or court not to try case or suit in which he is inter-

95. No member of a union bench or union court shall try any case or suit or other proceeding to or in which he is a party, or personally interested.

Explanation.—A member of a union bench or union court shall not be deemed a party or personally interested within the meaning of this section in any case by reason only that he is a member of a union board.

Attendance of

96. (1) Subject to the provisions of section 98' a union bench or a union court may, by sammons or otherwise, send for any person to appear and give evidence or to produce or cause the production of any document:

Provided that no person who is exempt from personal appearance in court under section 133, subsection (1), of the Code of Civil Pracedure, 1903, shall be required to appear in person before a union court.

of (919.]

111

## (Part 11.—Chapter VII.—Union benches and union courts.—Secs. 97, 98.)

- (2) A union bench or a union court shall refuso to summon a witness or to cuforce a summons already issued against a witness, where, in the opinion of the bench or court, the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable,
- (3) A union bench or union court sball not require any person living outside the union to give evidence, unless such a sum of money be paid to him as appears to the bench or court to be sufficient to defray his travelling and other expenses in passing to and from the bench or court and for one day's attendance.
- (4) If any person whom a nnion bench or a union court summons by written order to appear or give evidence, or to produce any document before it tails to obey such summons a union bench may take cognizance of such offence and may sentence any person convicted thereof to a fine not exceeding twenty-five rupees.
- 97. (1) The parties to cases triable by a union bench shall appear personally before such bench:

Provided that the union bench, if it sees reason unloss court, so to do, may dispense with the personal attendance of an accused and permit him to appear by agent.

(2) The parties to suits triable by a union court may appear by agent.

"Agent" in sub-sections (1) and (2) means a fulltime servant or a partner or a relative of the party, whom the union bench or union court may admit as a fit person to represent a party, and who is authorized to appear and plead for such party.

(3) Notwithstanding anything contained in the of Legal Practitioners Act, 1879, legal practitioners shall not be permitted to practise before a union bench or union court.

98. No woman shall, against her will, be Apper compelled to appear in person before a union bench as women macensed, or before a union bench or union court as a witness.

Appearance of

parties before

women,

[Ben. Act V

(Part'II.—Chapter VII.—Union benches and union courts.—Part III.—Chapter VIII.—
Miscellaneous—Secs. 99—101.)

Realization of fees, fines, etc.

99. All fees and fines imposed and all sums due on bonds and all sums decreed and compensation awarded under this Act by a mnion bench or union court may be realized under the orders of the union bench or union court, as the case may be, in the same manner as an arrear of rate imposed under section 37.

Registers and records.

a 100. Every union bench and union court shall maintain such registers and records and submit such returns as may be prescribed by rules under section 101.

#### PART III.

#### CHAPTER VIII.

## MISCELLANEOUS.

Pawer of Local Gove rment to make rules.

- 101. (1) The Local Government may, after previous publication<sup>1</sup>, make rules<sup>2</sup> to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules—
  - (a) determining the manner and time of appointment or election of members of union boards, the action to be taken under section 6, sub-section (4), in the case of the failure of an election, the registration of voters and candidates and the manner in which the votes shall be taken, and generally regulating all elections under this Act and determining the anthority who shall decide disputes relating to such elections;
  - (b) fixing the time within which the elections of the president of a union board shall be held, and the time within which an election to fill a casual vacancy in such office shall be held;

I As to presinted at an overthe Bengal General Chance Act, 1999 (Pen Act

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## (Part III.—Chapter VIII.—Miscellaneous.— Sec. 101.)

(c) regulating the powers of union boards to transfer property;

 (d) prescribing the powers to be exercised by the president or vice-president of a union board;

(c) regulating the commune of meetings of union boards and the method of forming a

quarum;

 (f) prescribing the registers and records to be invintained and the returns to be submitted by union boards, union benches and union courts;

(g) regulating the powers and duties of union boards in regard to the control to be exercised by them over dafadars and chauki-

dars within the union:

(h) prescribing the duties of dafadars and chankidars, and fixing the time and manner of the payment by the union board of the salaries of dafadars and chankidars, and the cost of their equipment;

(i) prescribing the processes to be served by dafadars or chankidars, and regulating the

service of such processes;

(f) regulating the powers and duties of union boards in regard to sanitation, conservancy, drainage, buildings, roads, bridges and water-supply under sections 26, 27, 28, 29, 30, 31, and 35, and in regard to schools and dispensaries under section 32;

(h) for the making of an assessment by the union board under section 39, for imposing the rate under section 37, and prescribing under section 41 the method and time of payment

of such rate:

 (1) for the conduct of the distraint and sale of moveable property of detaulters under section 42;

(m) prescribing the method in which the accounts of the union fund shall be kept and

andited;

(n) regulating the realization and disbursement, under section 54, of the amount required to meet the arrears therein specified;

(o) prescribing the manner in which orders under

section 56 shall be published;

fBen, Act V.

### (Part III.—Chapter VIII.—Miscellaneous.— Secs. 102, 103.)

- (p) prescribing the particulars of petitions under sections 67 and 77 which shall be entered in the registers of union benches and union courts;
- (q) regulating the procedure to be followed by a union bench or a union court in the institution, trial and disposal of criminal cases and civil suits, and prescribing the method of forming a quorum;
- (r) regulating the issue, service or execution of summonses and other processes by union benches or union courts, and the issue and service of notices by union boards:
- (s) determining the procedure for the execution of decrees, orders and sentences of union courts and union benches;
- (t) regulating the transfer by union benches or union courts of summonses and other processes to ordinary courts for their service or execution by such courts; and
- (u) prescribing the fees to be levied by union benches and union courts for copies of documents, and determining the procedure to be followed in furnishing such copies.
- (3). The rules made under sub-section (2) shall be published in such manner as the Local Government may direct.

Members of union board, etc., not to bid for or buy property 102. No member of a union board, union bench or union court, or other officer having any duty to perform in connection with any sale under this Act, shall directly or indirectly bid for or acquire any interest in any property sold at such sale.

Membership not a bar so trial of eacet. 103. A judge or a magistrate shall not be deemed to be a party to, or personally interested in, any case under this Act, within the meaning of section 556 of the Code of Criminal Procedure, 1893, merely because in., he is a member of the union board.

# THE BENGAL VILLAGE SELF-GOVERNMENT ACT, 1919.

of 1910.]

2

## (Schedute I .- Enactments repealed or amended.)

## SCHEDULE I.

## ENACTMENTS REPEALED OR AMENDED.

(See section 2.)

3

Year.	No.	Short title.	Extent of repeal or amendment.
1870	vi	The Village chankidari Act, 1870.	The whole except the preamble and sections 1, 48 to 61 (Part II), 65, 67 and 69, and Schedulee C and D, shall be repealed
1871	I	The Bengal Village- chaukidari Act, 1871.	The whole shall be repeated
1885	I	The Bengal Letrics Act, 1885.	For section 35, the following shall be substituted, namely:—  "35. It shall be lawful for the Local Government to order that Power of Local Government to while force
			Power of Local Government and public ferry remembers a possible shall be managed for the second state of t
1885	111	The Bengal Local Self. Government Act of 1885.	authority " the following shall be substituted, namely:
•			"*local authorty ' mens any district board, local board or joint committee consti- tuted under this Act, or any union board constituted under the Bengsi Village Self-Government Act, 1919."

[Ben. Act V

## (Schedule 1.—Enactments repealed or amended.)

1	2	3	4
Year,	No.	Short title.	· Extent of repeal or amendment,
1885	III —contd.	The Rengal Local Self-Government Act of 1885, —contd.	2. In section 6.—  (i) in the second paragraph, after the words  "any subdivision" the words "or  part of a subdivision or" shall be inserted,
		·	(ii) for the provise to that paragraph the following shall be substituted, namely;
			"Provided that a local board shall be established in every district or part of a district in which the Bengal Village Self. Government Act, 1919, is in force," and
			(ni) in the last paragraph, for the world "subdivision or subdivision" the word "area" shall be substituted.
			3. In section 7, the first provise shall be emitted
			4. For section 9, the following shall be substi- tuted, namely :
			On (1) Such proportion of the members of a local board as the Local control of the members of time to tune direct shall be elected by premer entitled to vote at an election of members of a union board within the area unite the authority of the 1-sh board within such rules as may be prescribed in this behalf under clause (a) of section 138:
	1		Provided that not less than two-thirds of 150 members of a least loand shall be detected.
			(2) Every person who is qualified to vit- at an electron of members of a union beat within the area notice the authority of a

local board shall be entitle lin be a mornior of the local is artiffed by elected the retain

(Schedule 1.-Enactments repealed or amended.)

1	2	,	
* *	80	Shattle	Extert of sep al or smootherst.
•5	111	The Pengal Local Self Grandment Act of 1965 weed	5. In section 11, for P s words," one third of the members of each local bond setablished in a district resourced in the thort schedule of this Act. The words. "The remaining propor- tion of the members of each I call local!" shall be substituted.
			6. In section 12, the words "or by three" in the two places where they occur, and the words "or ene thirth, as the case may be "shall be omitted.
			Section 13, 14 and 15 chall be repeated t
		}	R Insections IN and 1855 for the words "Jocal tearl or union committee" the words "or local loard" shall be substituted.
	Ì		9. Section 36 and the whole of Chapter II of Part I (sections 37 to 44) shall be repealed.
			10. It the end of clause (2) of section 52 the following shall be added, namely -
			"except when levied by a union bench appoint- ed under the Bengal Village Self-Govern- ment Act, 1919"
			11. For sale-claime (d) of clause Fifthly of section 53, the following shall be substituted, namely:—
			"(d) any some assigned by the district board to a local board or to a union local constituted under the Regal Village Self Government Act, 1919."
			12. The whole of Chapter III of Part II (sections 56 to 58) shall be repealed.
			13. In section 62, after the words "under this Act" the words and figures "and to the provisions of the Bengal Village Self-Government Act, 1919" shall be inserted
			14. In section 73, the following words and figures shall be omitted, namely :-
			"but subject to the provisions of Chapter III of Part III thereof,"

(Schedule I.—Enactments repealed or amended.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	IIIcontd.	The Bengal Local Self- Government Act of 1885 —contd.	15. In section 89, the following words shall be inserted at the beginning of the section, namely:—
			"Subject to the provisions of the Bereil Village Self-Government Act, 1919."
	1	, !	16 The whole of Chapter III of Part III (sections 104 to 119) shall be repealed
		, I	17. In section 130, the following shall be omitted, namely
•			(s) in the first paragraph, the following: "in respect of a union committee, by the district board or the local board to which the committee may have been declared, by an order under section 110, to be, for the purposes of this section, subordinate, and";
		1	(ii) the whole of the second and third paragraphs, namel; :-"When a look hoard makes any order under this section, it shall forthwith submit to it district loard a copy of the order, with a statement of its reason for making it, and with any explanation which the union committee concert duay wish to offer.
		1	The district board may thereup's confirm, modify or resumd the order, and
		ı	(iii) in the possitionate paragraph the weeks
			8 In section 131, the words "cr union committee," occurring in two places, shall be omitted.
		10	7. In section 132, the following shall be control namely -
			(i) in the first paragraph, the words " out ion committee," to the feet 1's ea where they occur,
			(ii) in the second paragraph, the world of committee, "and
	;		(iii) the while of the last preserve.

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1919.]

## (Schedule I,—Enactments repealed or amended.)

1	2	3	
Year.	No.	Short title.	Extent of repeal or amendment.
1685	11I-contd.	The Bengal Local Self-Government Act of 1885—contd.	20. Section 133 shall be repealed.  21. In section 138,—  (1): """"""""""""""""""""""""""""""""""""
			(111) clauses (2) and (21); and (10) the whole of the last paragraph; (2) at the end of the said clause (a) the following shall be added, namely:  "and in the case of district boards the qualifications and disqualifications of members; (3) in clause (1) for the words "district boards, local boards and union committees" the words "district boards, and who words "district boards, shall be substituted.
			22. In section 142, for the words "local board or union committee" the words "or local board" and for the words "urion committee, local board, or district board" the words "district board or local board" shall be substituted.  23 In section 144, for the words "local authority" wherever they occur, the words "district board or local board" shall be substituted.  24 In section 145, for the words "Every local authority" the words "The district board or district or union funds respectively," the words "the district or union funds respectively," the words "the district fund" shall be substituted.

7.

# THE BENGAL VILLAGE SELF-GOVERNMENT ACT, 1919.

[Ben. Act

# (Schedule I.—Enactments repealed or amended.—Schedule II.—Offences be reported by a chautedar.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III —contd.	The Bengal Locel Self-Government Act of 1885—contd.	
1886	I	The Bengal Village- chaukidari (Amendment) Act, 1886.	The whole shall be repealed.
. 1892	· I	The Bengal Village- chaukidari (Amendment) Act, 1892.	The whole shall be repealed.

#### SCHEDULE II.

#### OFFENCES TO BE REPORTED BY A CHAUKIDAR.

### (See section 23.)

Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, roherry, theft, mischief by fine, house-breaking, convetefeiting currency notes, coins or slamps, possessing instruments or materials for the purposes of such counterfeiting, causing grevious hurt, riot, administering stupefying drugs, kidnapping, personating public servants, manufacturing, solling or possessing arms without a liceuse and going armed without a liceuse, and all attempts, preparations and conspiracies to commit, and abetments of, the said offences.

(Schedule III.—Powers and duties which may be delegated by the district mayistrate.)

#### SCHEDULE III.

POWERS AND DUTIES WHICH MAY BE DELEGATED BY THE DISTRICT MAGISTRATE.

(See section 47.)

	Powers or duties	To whom may be delegated.
	1	2
1.	Appointment and dismissal of dafadars and chauki- dars under section 20	Subdivisional magistrate, superintendent of police or circle officer.
2.	Fining of dafadars and chaukidars under section 22	Ditto ditto.
3.	Requiring chaukidar to supply local information under section 23 (viii)	Subdivisional magis- trate.
4.	Calling for assessment papers and passing of orders thereon, under section 40.	Ditto ditto.
5.	Issue of warrant under section 43 for distraint and sale of property of absentees for satisfaction of union rate	Ditto ditto.

[Ben Act V of 1919.]

(Schedule IV - Offences triable by a union bench.)

#### SCHEDULE IV.

### OFFENCES TRIABLE BY A UNION BENCH.

(See sections 65 and 66 )

#### PART A.

- 1. Offences under sections 24, 26 and 27 of the Cattle-trespass Act, 1871. I of 1871.
- 2. Offences under enactments (other than the Act XLV of Indian Penal Code<sup>2</sup>) or any rules or by-laws made 1860. thereunder which are punishable with fine only up to a limit of twenty-five rupees.
- Offences under section 34 of the Pelice Act, V of 1861. 1861.
- 4. Offences under the Bengal Ferries Act, 1885,3 except those under sections 28 and 30.
- 5. Offences under the following sections of the Indian Penal Code, namely:—sections 160, 178, 179, 1860, 269, 277, 289, 290, 294, 323, 334, 311, 352, 358, 426, 447. 448, 504 and 510; and when the value of the property in the opinion of the union bench is not over twenty rupees, sections 379 and 411.

#### PART B.

Offences under the following sections of the Indian Act XLV of Penal Code,2 namely :-- sections 283, 428, 430, 506 and 1800. 509; and when the value of the property in the opinion of the magistrato is not over twenty rapees, section 403.

General Acts, Vol II.
General Acts, Vol II.
Bengal Code, Vol II.

### BENGAL ACT No. VI OF 1919.

## THE BENGAL FOOD ADULTERATION ACT, 1919.

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#### CHAPTER III.

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## THE BENGAL FOOD ADULTERATION ACT. 1919.)

[30th July, 1919.]

An Act to make provision for the prevention of adulteration of food in Bengal.

Wheneas it is expedient to make provision for the prevention of adulteration of food in Bengal;

It is hereby enacted as follows:-

#### CHAPTER L

#### PRELIMINARY.

- 1. (1) This Act may be called the Bengul Food Short title and local extent Adulteration Act. 1919.
- (2) This section shall extend to the whole of Bengal, except Calcutta as defined in clause (7) of section 3 of the Calcutta Municipal Act, 1899; and the Local Government may, after previous publica-tion, by notification in the Calcutta Gazette, extend all or any of the other sections of this Act to any local area outside Calcutta in Bongal.
  - (3) The Local Government in extending all or any of the sections of this Act, as provided in sub-section (2), may extend the same in respect of all articles of food or may limit the operation of the section or sections extended to any specified article of food.
  - 2. In this Act, unless there is anything repugnant in the subject or context,-

(1) an article of food shall be deemed to be "adulterated" if it has been mixed or packed with any other substance, or if any part of it has been abstracted so as in either case to affect injuriously its quality, subs-

a 1 For Statement of Objects and Reasons see Calcutta Gazette, 1918, Pt 1V p. 172, and the Proceedings on Council, see shall Pt 1VA, pp. 197-1039, and see Calcutta Gazette, 1919, Yu IVA, pp. 191-18, and 518-5-70, and 582-591; 2 Bengal Act 111 of 1839 has been reperied and re-enacted b) the Calcutta Municipal Act, 1923 (Den. Act 111 of 1923) post-pr 425.

tance or nature :

12 A

Ben Act III 02 1899

Definitions

ACT, 1919.

[Ben. Act VI

## (Chapter I.-Preliminary.-Secs. 3, 4.)

- (2) "food" includes every article used for food or drink by man, other than drngs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and also includes flavouring matters and condiments:
- (3) "local area" means any area, arban or rural, declared by the Local Government by notification in the Calcutta Gazette to be a local area for the purposes of this Act;
- (4) "local anthority" means-
  - (i) in the case of any Municipality, the Municipal Commissioners;
  - (ii) in the easo of a Cantonment, the Cantonment Authority; and
  - (iii) in the case of any other local area, such authority or officer as the Local Government may appoint in this behalf;
- (5) "public analyst" means any person appointed by the Local Government, or by a local authority with the approval of the Local Government, to perform the duties and to exercise the powers of a public analyst prescribed by this Act.
- Power of Local Government, or a local anthority deal anthority to approve person to be the public analyst for any area analyst made in the Calculta Gazette.

  3. The Local Government, or a local anthority with the approval of the Local Government, may appear public analyst for any area analyst made in their control, and such appointment shall be notified in the Calculta Gazette.
- l'ower of Locas Government to declare normal constituents of any anticle of forts.
- 4. The Local Government may declare the normal constituents of any article of food and may determine, by rules in this behalf, what deficiency in any of these constituents, or what addition of extraneous matter or proportion of water in a sample of any article of food, shalf, for the purposes of this Act, raise a presumption until the contrary is proved that the article of food is not genuine or ir injurious to health; and a public analyst shall have regard to such rules in certifyling the result of an unalyst under this Act.

(Chapter II.-General Provisions -Sec. 5.)

#### CHAPTER II.

#### GENERAL PROVISIONS.

#### Sale of food.

5. (1) No person shall, directly or indirectly' himself or by any other person on his behalf, sell to not of the pr the prejudice of the purchaser any article of food nature, unbat which is not of the nature, substance or quality of the article demanded by such purchaser; and no person shall, directly or indirectly, himself or by any other person on his behalf, manufacture for sale any article of food which is not of the nature, substance or quality which it purports or is represented to be:

Prohibition

Provided that an offence shall not be deemed to be committed under this section in the following eases. that is to say :-

- (a) where any matter or ingredient not injurious to health has been added to any article of food because the same is required for production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the Inferior quality thereof; or
- (b) where any article of food is mayoidably mixed with some extraneous matter in the process of collection or preparation; or
- (c) where a patent has been granted under any law for the time being in force in respect of any article of food, and the article is sold in the state required by the specifiation of the patent.
- (2) In any prosecution under this section it shall be no defence to allege that the vendor or manufacturer was ignorant of the nature, substance or quality of the article sold, exposed for sale or mannfactured for sale, by him.

[Bon, Act VI

## (Chapter II.—General Provisions.—Sec. 6.)

(3) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any article of food found in the possession of a person who is in the habit of manufacturing like articles for sale has been manufactured for sale by sach person.

Prohibition of · prescribed punty.

- 6. (1) No person shall, directly or indirectly, rate, etc, of himself or by any other person on his behalf, sell, which are not of expose for sale, or manufacture or store for sale, any of of the following articles, namely:-
  - (a) milk (other than condensed, sterilized or desigcated milk in hermetically closed receptaeles).
  - (b) butter.
  - (c) ghee.
  - (d) wheat flour.
  - (e) mustard oil, and
  - (f) any other article of food which may be notified by the Local Government in this behalf.

unless the following conditions are fulfilled, namely :-

- (i) in the case of milk (other than condensed, sterifized or desiccated milk in hermetically closed recentacles), the animal from which the milk is derived shall be definitely stated in such manner as the local authority may, by general or special order, require, and the article sold, exposed for sale or stored for sale, as the case may be, shall be the natural secretion from the udder of such animal, from which no regredient has been extracted and to which no water or other substance (including any preservative) has been added, and shall not contain a less proportion of non-fatty solids and of far than such as the Local Government may mescribe:
- (ii) in the case of butter, It shalf be exclusively derived from milk or cream tother than condensed, sterlfized or desiceated milk or cream), or both, with or without s.dr or other preservative, and with or without the

#### (Chapter II.—General Provisions—Sec. 6.)

addition of colouring matter, such preservative or colouring matter being of such a nature and in such quantity as not to render the article injurious to health, and shall not contain a greater proportion of water than may be prescribed by the Local Government in this behulf:

- (iii) in the case of glace, it shall contain only substances, other than cards, which are derived exclusively from the milk of cows or of buffaloes, and shall fulfil such conditions as may be prescribed by the Local Government;
- (iv) in the case of wheat flour, it shall not contain any substance which is not derived exclusively from wheat;
- (e) in the case of mustard oil, it shall be derived exclusively from unstand seed; and
- (bi) in the case of any food notified by the Local Government nuder clause (f), it shall fulfil such conditions as may be prescribed by the Local Government in regard to such food.
- (2) No person shall, directly or indirectly, himself or by any other person on his behalf, sell, expose for sale, or manufature or store for sale anything which is similar to any of the articles specified in clauses (a), (b), (c), (d) and (e) of sub-section (I) or to any article notified by the Local Government under clause (f) of that sub-section, under a name which in any way resombles the name of such article.
- (3) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed for sale, or manufactured or stored for sale, by hum.
- (4) In any prosecution under this section the Court shall, nuless and until the contrary is proved, presume that any of the articles specified in clauses (a), (b), (c), (d) and (e) of sub-section (I) or any article notified by the Local Government under clause (f) of that sub-section found in the possession of a person who is in the habit of manufacturing or storing like articles for sale, has been manufactured or stored for sale by such person.

(Ben. Act VI

# (Chapter II.-General Provisions-Secs 7-10)

Prohibition of adulterants in places where ghee, wheat flour, e.c., are manufactured,

- 7. (1) No person shall keep or permit to be kept in any manufactory, shop or place, in which butter, ghee, wheat flour, mustand oil or any article notified by the Local Government under clause (f) of subsection (l) of section 6 is manufactured, any substance intended to be used for the adulteration of such butter, ghee, wheat flour, mustard oil or other article.
- (2) If any article capable of being so used is found in such manufactory, shop or place, the Court shall, unless and until the contrary is proved, presume in any prosecution under this section that it is intended to be used for the purposes of adulteration.

Receptacles for separated or skimmed conden ed milk to be marked. 8. No person shall sell or expose for sale any tin or other receptacle containing condensed milk which has been separated or skimmed, unless such tin or receptacle bears a label on which and on its wrapper (if any) it is clearly indicated, both in English and in Bengali, that the milk has been skimmed and is not suitable for feeding infants under one year of age.

# Analysis of food.

Power of purchaser to have article of food analysed 9. Any purchaser of an article of food shall be entitled on payment of such fee as the Local Government may prescribe, to have such article analyst by the public analyst appointed for the area within which such article is purchased and to receive from him a certificate, in the form prescribed in the Schedulo to this Act, of the result of his analysis.

Compulsory sale of food, etc. for propose of analysis.

- **10.** (1) Any person duly authorised by the Local Government or by any local authority empowered by the Local Government in this hehalf, may require, on tendering the price for it, the sale to him during the process of manufacture, for the purpose of analysis, of such quantity of—
  - (i) my food, or
  - (ii) any ingredients used in the manufacture of food.

as is reasonably requisite for division and disposed under section 41; and any person in possession of the said food or ingredients shall be bound to sell such quantity. of 1919,]

# (Chapter II.—General Provisions.—Sec., 11.)

- · (2) Any person duly authorised by the Local Government or by any local authority empowered by the Local Government in this behalf, may also require the sarrender to himself, for the purpose of analysis, of such quantity as is reasonably requisite for division and disposal under section 11, of any food which for the purpose of sale is—
  - (a) in course of transit in any local area, or
  - (b) stored in any place in the said local area;

and any person in possession of the said food shall be bound to surrender such quantity:

- Provided that in every such case the price of the food so surrendered shall be payable from such fund as the Local Government may prescribe to the owner of the food, if claimed by such owner within one mouth from the date of the said surrender.
- (3) Any person duly anthorised by the Local Government or by any local authority empowered by the Local Government in this behalf, may also require, by tender of the price, the sale to him, for the purpose of analysis, of such quantity of any food exposed or intended for sile, as is reasonably requisite for division or disposal under section 11; and any person in possession of or exposing the same for sale shall be bound to self such quantity.
- 11. (1) Any parchasor who wishes to have an article of food analysed under section 9, and any person who purchases, for the purpose of analysis, a sample of food under section 10, sub-section (1) or sub-section (3), shall, after the parchase has been completed, forthwith notify to the seller, or his agent selling the article, his intention to have the same analysed, and shall divide the article into three parts, to be then and there separated, and each part to be marked and sealed or fastened up in any manner which its nature will permit.

(2) The person purchasing the article or sample shall deliver one of the said parts to the seller or his agon, and shall relate another part for future comparison, and shall send the remaining part to the public analyst appointed for the area where the article is sold.

Proved te tor

[Ben. Act VI

# (Chapter II.-General Provisions.-Secs. 12, 13,)

(3) When any food is surrendered under section 10, sub-section (2), the person to whom it is surrendered shall forthwith notify to the person in charge of the said food his intention to have the same analysed. and shall thereupon dea! with the food so surrendered in the manuer provided in sub-sections (1) and (2).

# Inspection and seizure of food.

Power to seize food which believed to adulterated

- (1) Any person duly authorised in this behalf be by rule made under this Act may, at any time by day or by night, inspect and examine any food which is being manufactured for sale, or is in course of transit or stored for sale, or is hawked about or exposed for sale, and any utensil or vessel used for preparing, manufacturing or containing any such food; and no person shall offer resistance to, or obstruct, any such inspection or examination.
  - (2) If the person so authorised has reason to believe any such food to be adulterated, he may seize and remove such food, utensil or vessel in order that the same may be dealt with in accordance with the provisions of section 13; and no person shall offer resistance to, or obstruct, any such seizure or removal.
  - (3) The person a ithorised as aforesaid may, justead of carrying away any food, utensil or vessel seized under sub-section (2). leave the same in such safe custody as he thinks fit in order that the same may be dealt with as provided in section 13; and no person shall remove such food, utensil or vessel from such custody or interfere or tamper with the same in any way while so detained.
  - (4) When any food is seized under sub-section (2), the person seizing it shall separate therefrom such quantity as is reasonably requisite for division and disposal for the purposes of this sub-section, and shall thereupon divide and dispose of such quantity in the manner provided in section 11, sub-sections (1) and (2).

taken Magierrate.

- 13. (1) Any food, atensil or vessel seized ander section 12 to be section 12, sub-section (2), shall, subject to the provibefore sions of sub-sections (3) and (4) of that section, be taken as soon as may be after such seizure, before a Magistrate.
  - (2) If it appears to the Magistrate that any such food is adulterated, or that any such utensil or vessel

of 1919.]

# (Chapter II —General Provisions.—Sec. 14.)

is used for preparing, manufacturing or containing the same, he shall cause the food, utensil or vessel to be forfeited to the local anthority for the area in which the seizure has taken place, in order that it may be destroyed or otherwise disposed of by that authority, at the cost of the person in whose possession it was at the time of its seizure, and such cost shall be realized as if it were a fine imposed under this Act

(3) If it appears to the Magistrate that any such food is not adulterated, or that any such utensil or vessel is not used for preparing, manufacturing or containing the same, the person from whose shop or place the food, utensil or vessel was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award to such person from such fund as the Local Government may prescribe in this behalf, such compensation, not exceeding the actual loss which he has sustained, as the Magistrate may think proper.

#### Miscellaneous.

- 14. (1) Every public analyst to whom any article analyst to supply of food has been submitted for analysis undor this Act, ertificate of shall deliver to the person so submitting it a certificate in the form prescribed in the Schedule to this Act, specifying the result of his analysis, and shall send a copy of the same to the local authority concerned.
- (2) Any document purporting to be such certificate sigued by a public analyst shall be sufficient evidence in any inquiry, trial or proceeding under this Act of the result of such analysis:

Provided that any Court before which a case may be pending under this Act, whether exercising original. appellate or revisional jurisdiction, may, of its own motion, or at the request either of the accused or the complainant, cause any article of food to be sent for analysis to the Sapitary Commissioner for Bengal. or any other officer whom the Local Government may appoint in this behalf, who shall thereupon analyse the same and report the result of such analysis to the said Court, and the said report shall be admissible in evidence in such Court. The expense of such analysis shall be paid by the accused or the complainant as the Court may, by order, direct.

[Ben. Act VI

# (Chapter III .- Penalties .- Sec. 21.)

as abstracts of those provisions; but are inserted merely as references to the subject thereof:—  $\,$ 

	~	<del>,</del>	
1	2	3	4
Provisions of the Act.	Subject.	Maximum fine which may be imposed for a first offence.	Maximum fine of imprisonment, or both, which may be imposed for a second or subsequent offence.
Section 5. sub-section (1).	Sale, etc., of adulterated food	Two handred supees	One thousand rupecs or imprisonment for three months, or both.
Section i, sub section (1).	Sale, etc of milk, butter, glue, wheat flour, mustard oil or notified atticle which is not of the pres- cribed quality.	Ditta	Ditto
Section 6, sub-section (2)	Sale, etc. of articles similar to milk, hutter, ghee, etc. v	One hundreed rupees	Five hundred rul or in prisonin for three moni or both.
Section 7, soli-section (1)	Keeping or permitting to be kept substance intended to be used for adulteration of butter, ghee, wheat flour, nustard oil, etc	Ditto .	Pive hundred rupt
Section 9	Sile of a tin of other receptible containing separated or skinning condensed milk, not properly libelled	Two hundred ruples	One thousa
Section 10, sub-sec tions (1) (2) and (3)	Refusal to sell or surrender articles of food required for purpose of analysis.	Ditto	
Section 12, sub-sec- tions (1) and (2)	Offering resistance or obstruction to any authorised person inspecting or examining food or setzing or removing food believed to be adulterated	Ditto	
Section 12, sub-section (3)	Removing, interfering or talujering with food, etc., stired and left in custody.	Into	•••••

# THE BENGAL FOOD ADULTERATION ACT, 1919.

of 1919.]

(The Schedule.)

#### THE SCHEDULE.

## FORM OF CERTIFICATE.

(See sections 9 and 14.)

To1

I, the undersigned, public analyst for the

, do hereby certify that I received on the day of 19 , from 19 and lysis (which then weighed ) and have analysed the same and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of

#### Observations.

Signed this day of

19 .

A. B.

at

eample is

La servad

mixture (if any) was for the purpose of rendering the article potable or palatable or of preserving it or of impressing the appearance, or was unavoidable, and may state whether it was in excess of what is ordinary or otherwise.

Note — In the case of a certificate regarding milk, butter or any article hable to decomposition, the analyst shall specially report whether any chinge had taken place in the constitution of the article that would interfere with the analysis



### BENGAL ACT NO. VII OF 1919.

# THE CALCUTTA AND SUBURBAN POLICE (AMENDMENT) ACT. 1919.11

[24th September, 1919]

An Act purther to amend the Calcutta Police Act. 1866, and the Calcutta Suburban Police Act, 1866.

Ben Act IV of 1866 Ben. Act It of 1866,

WHEREAS it is expedient further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866, in the manner hereinafter appearing:

It is hereby enacted as follows :-

1. This Act may be called the Calcutta and Suburban Police (Amendment) Act, 1919.

Short litle

2. In section 9 of the Calcutta Police Act, 1866 Amendment of the recinafter called "the Calcutta Act"), and in sec- 1966, s. a. and the Calcutta Suburthan Police Act, 1866 Fe. Act It of the Calcutta Suburthan Police Act, 1866 Fe. Act It of the Calcutta Suburthan Police Act, 1866 Fe. tion 3 of the Calcutta Suburban Police Act, 1866 Ben Act (hereinafter called "the Suburban Act"), for the word "approbation" the word "control" shall be substltuted.

3. (1) Section 10 of the Calcutta Act shall be renumbered section 10, sub-section (1), and section 1 of the Suburban Act shall be remumbered section 1, Ibon Act It of sub-section (1).

Amendment of 1145, . 4,

- (2) To the said section 10 of the Calentta Act, and to the said section 4 of the Suburban Act, the follow-Ing shall be added, namely :-
  - "(2) A police-officer shall not by reason of being suspended from office cease to be a policeofficer. During the term of such suspension the powers, privileges and duties conferred or imposed upon hun as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if be had not been suspended ".

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#### BENGAL ACT NO. I OF 1920.

# THE BENGAL CRUELTY TO ANIMALS ACT, 1920.

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- 30. Delegation of powers,
- 31. Appointments made by local authority.
- 32. Limitation of time for proscentions.
- 33. Persons appointed under section 15, 16, 18 or 21 to be public servants.
- 34. Indemnity.
- 35. Power of local authority to pay certain expenses.
- 36. Effect when Act is extended outside Calcutta.

## RENGAL ACT No. 1 OF 1920.

# (THE BENGAL CRUELTY TO ANIMALS ACT, 1920.)1

[25th February, 1920.]

An Act to consolidate and amend the law relating to the prevention of cruelty to animals in Bengal.

Whereas it is expedient to consolidate and amend the law relating to the prevention of crnelty to animals in Bengal;

It is hereby enacted as follows:--

# Preliminary.

- 1. (1) This Act may be called the Bengal Cruelty Short title, com to animals Act, 1920.
  - mencemeni pne extent
- (2) It shall come into force on such date as the Local Government may, by notification, direct.
- (3) Except as otherwise hereinafter provided, this Act shall extend only to Calcutta; but it may be extended by the Local Government, by notification, to any other town or place.
  - 2. (1) The following enactments, namely:-

Repeal

- Ben. Act I of 1869 Ben. Act III of 1869
- (a) the Bongal Cruelty to Animals Act, 1869; (b) the Bengal Cruelty to Animals (Arrest) Act. 1869; and
- Ben Act III of 1900
- (c) the Bengal Cruelty to Animals Act. 1900.

# shall be deemed to be repealed—

- (i) in Calcutta, from the date of the commencement of this Act, and
- (ii) in any other town or place to which this Act may hereafter be extended under section 1. sub-section (3), from the date of such exten-

<sup>1</sup> For Statement of Objects and Reasons, see Calcutts Gassite, 1919, Pt. IV., p. 169, and for Proceedings in Conneil, see stud, Pt. IV.A., pp. 1131-1127, and p. 1131-1127, and p. 1131-1131 [41], and re-Calcutts Gastife, 1979, Pt. IV.A., pp. 15-25.

Ben, Act I

Ben. At of 1899.

# (Preliminary.-Offences.-Secs. 3, 4.)

- (2) Such repeal shall not affect the validity of anything done or suffered, or of any obligation or liability which may have accrued, under any of the said Acts; and all penalties incurred and other things duly done under any of the said Acts shall, so far as they are consistent with this Act, be deemed to have been respectively incurred or done hereunder.
- (3) All proceedings pending under any of the said Acts, in Calcutta or in any other town or place, at the date when this Act comes into operation therein, shall be deemed to have been commenced under this Act.

#### Definitions

Penalty

cruelty

and for sale of animals

with unnecessary

for cruelty to animals

killed

- 3. In this Act, unless there is anything repugnant in the subject or context.-
  - (1) "animal" means any domestic or captured animal;
  - (2) "Calcutta" means the area described in Schedule I to the Calcutta Municipal Act, 18991;
  - (3) "the Corporation" means the Corporation of Calcutta; and
  - (4) "notification" means a notification published in the Calcutta Gazette.

# Offences.

4. If any person-

(a) overdrives, cruelly or unnecessarily beats, or otherwise ill-treats any animal, or

(b) binds, keeps or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering, or

(c) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily ernel namuer.

he shall be punished for every such offence with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

I Benyal Act III of 1813 has been repealed and researched by the Calcutta Municipal Act, 1923 (Ber. Art III of 1923), per p. 425

of 1920.]

# (Oftences.—Secs. 5-8.)

If any person overlands any animal he shall be punished with fine which may extend to one overloading hundred rapees, or with imprisonment for a term which may extend to three months, or with both, and

for

- (1) if the owner of that animal, and
- (2) if any person who, as a trader, carrier or contractor, or who, in virtue of his employment by a trader, carrier or contractor, is in possession of that animal or in control over the loading of it.

permits such overloading, he shall be punished with fine which may extend to one hundred rapees.

Ernlanation .- For the purposes of this section an owner or other nerson referred to in clauses (1) and (2) above shall be deemed to have permitted overloading if he shall have failed to exercise reasonable care and appervision in respect of the protection of the animal therefrom.

If any person performs upon any eow or other milch animal the operation called phuka he shall be practising punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both, and the owner of the eow or other mileh animal and any person in possession of or control over it shall be liable to the same annishment.

Penalty

for

7. If any person kills any animal in an unnecessarily cruel manner he shall be punished with fine with uncertainty which may extend to two hundred rupees, or with cracky. imprisonment for a term which may extend to six months, or with both :

Provided that nothing in this section shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class, or for any bona fide scientific purpose or for the preparation of any medicinal drug.

8. If any person has in his possession the skin of penalty a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner so as the to constitute an offence under section 7, he shall with unnecessary

Ben. Act 1

Ben. Ac

# (Preliminary.-Offences.-Secs. 3, 4.)

- (2) Such repeal shall not affect the validity of anything done or suffered, or of any obligation or liability which may have accrued, under any of the said Acts; and all penalties incurred and other things duly done under any of the said Acts shall, so far as they are consistent with this Act, be deemed to have been respectively incurred or done hereunder.
- (3) All proceedings pending under any of the said Acts, in Calcutta or in any other town or place, at the date when this Act comes into operation therein, shall be deemed to have been commenced under this Act.

Definitions

Penalty cruelty to animals

cruelty

and for sale of animals

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killed

- 3. In this Act, unless there is anything repugnant in the subject or context .--
  - (1) "animal" means any domestic or captured animal :
  - (2) "Calcutta" means the area described in Schedulc I to the Calcutta Municipal Act,
  - (3) "the Corporation" means the Corporation of Calcutta; and
  - (4) "notification" means a notification published in the Calcutta Gazette.

# Offences.

4. If any person-

(a) overdrives, cruelly or unnecessarily beats, or otherwise ill-treats any animal, or

(b) binds, keeps or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering, or

(c) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily ernel manner,

he shall be punished for every such offence with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three mouths, or with both.

I Pengal Act III of 1939 has been repealed and resenanted by the Calentta Manietral Act, 1923 (De s. Act III of 1923), p et p. 425

of 1920,1

# (Offences.—Secs. 5-8.)

5. If any person overlands any animal he shall be punished with the which may extend to one overloading hundred rupees, or with imprisonment for a term which may extend to three months, or with both, and

- (1) if the numer of that animal, and
- (2) if any person who, as a trader, carrier or contractor, or who, in virtue of his employment by a trailer, carrier or contractor, is possession of that animal or in control over the loading of it.

permits such overloading, he shall be punished with fine which may extend to one hundred rupees.

Explanation .- For the purposes of this section an owner or other person referred to in clauses (1) and (2) above shall be deemed to have permitted overloading If he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom.

If any person performs upon any eow or other mileh animal the operation called phuka he shall be practioning punished with fine which may extend to two hundred rapees, or with imprisonment for a term which may extend to six months, or with both, and the owner of the eow or other milelianimal and any person in possession of or control over it shall be liable to the same onnishment.

7. If any person kills any animal in an unnecessarily ernel manner he shall be punished with fine with mnecessarily ernel manner. which may extend to two hundred rupees, or with cracky. imprisonment for a term which may extend to six months, or with both :

Provided that nothing in this section shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, seet, tribe or class, or for any bona fide scientific purpose or for the preparation of any medicinal drug.

8. If any person has in his possession the skin of Pensky a gont, and has reason to believe that the gont has been killed in an unnecessarily cruel manner so as the state of a to constitute an offence under section 7, he shall with unnecessary

cruelty.

[Ben. Act I

# (Offences .- Secs. 9, 10.)

be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with hoth, and the skin shall be confiscated.

Presumptions as to possession of the skin of a goat.

- 9. (1) If any person is charged with the offence of killing a goat contrary to the provisions of section 7, and it is proved that such person had in his possession, after the offence was alleged to have been committed, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unuccessarily cruel manner.
- (2) If any person is charged with an offence against section 8, and it is proved that such person had in his possession, at the time of the alleged offence, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary he proved, that such goat was killed in an unnecessarily cruel manner, and that the person in possession of such skin had reason so to believe.

Penalty for employing and mals unfit for labour,

- for any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, he shall be punished with fine which may extend to one hundred rupees, and
  - (1) if the owner of that animal, and
  - (2) if any person who, as a trader, earrier or contractor, or who, in virtue of his employment by a trader, carrier or contractor, is in possessit n of that unimal or in control over the employment of it.

permits such employment, he shall be liable to the same punishment.

Explanation.—For the purposes of this section an owner or other person referred to in chauses (I) and (2) above shall be deemed to have permitted such employment if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom.

Penalty for baiting animals, or inciting them

Penalty for allowing diseased

Weighbridgen

to fight.

### THE BENGAL CRUELTY TO ANIMALS ACT, 1920.

of 1920.1

### (Offences.—Weighbridges and Infirmaries.— Secs. 11-15.)

If any person-

(a) incites any animal to fight, or

(b) baits any animal, or

(c) aids or abets any one in such incitement or baiting.

he shall be punished with fine which may extend to fifty rupees.

12. If any person wilfully allows any animal of which he is the owner or of which he is in charge to go at large in any public place while the animal is affected with contagious or infectious disease. or without reasonable excuse, allows any diseased or disabled animal of which he is the owner or of which he is in charge to go at large or die in any public place, he shall be punished with fine which may extend to one hundred rupees.

Weighbridges and Infirmaries.

13. (1) The Local Government may appoint the places at which weighbridges shall be established for the detection of eases of overloading of animals, and may also declare, by notification, the limits of the areas for which such weighbridges are established.

(2) The Local Government may creet weighbridges at the place so appointed, and may acquire, by purchase or otherwise, existing weighbridges creeted by any person and maintain them for the purposes of sub-section (1).

14. The Local Government may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against this Act are believed to have been committed.

Infirmaries

15. The Local Government may appoint such persons as they think fit,-

(a) to be Veterinary Inspectors for carrying into effect the provisions of this Act, and may declare the areas within which such officers shall exercise their powers under this Act and the areas of which they shall be in charge;

(b) to be weighbridge-officers, to have charge of weighbridge or weighbridges established under section 13.

Power of Local Government to appoint Veteri-nary Inspectors and weighbridgeofficers

ACT, 1920.

Ben. Act I

# (Weighbridges and Infirmaries.—Secs. 16-19.)

Animal, etc., to be taken to weighbridge in case of overloading

16. Within the limits of any area for which a weighbridge has been established under section 13, any police-officer, or any other person duly authorized by the Local Government in this behalf, who has reason to believe that an offence against section 5 is being committed in respect of any animal, shall seize and take it, together with its load and the person in charge of the animal, to such weighbridge, and shall cause the load to be weighed on the weighbridge in the presence of such person.

Excessiond to be removed in cases of overloading.

- 17. (1) If the state of the satisfied that an offence been committed, he shall inform the ponce-officer or person who seized the animal accordingly, and that officer or person shall forthwith release the animal and load.
- (2) If the weighbridge-officer is satisfied that an offence against section 5 has been committed, he shall cause the excess load to be removed.

Unfit animal to be taken to Veterinary Inspector 18. Any police-officer, or any other person duly authorized by the Local Government in this behalf, who has reason to believe that an offence against section 10 is being committed in respect of any animal, shall seize and take it, togethor with its load, if any, and the person in charge of the animal, to the weighbridge, if any, appointed for the area, within which such scizure is made, or, in the case of there being no weighbridge appointed for the area, to the nearest police-station, and shall remove the load forthwith and report the fact of such seizure to the Veterinary Inspector in charge of that area.

Excess lord to be treated as unclaimed property in certain circumstances

- 19. (1) Any excess load removed from an onimal under section 17, sub-section (2), and any load which was being carried by an animal seized under section 18, and taken to the weighbridge, shall be kept by the weighbridge-officer, at the risk of the owner of such load, at the weighbridge, or at any other place appointed by the Local Government for this purpose, and, if not removed by the owner within forty-eight hours, it shall be made over by the weighbridge-officer to the police and removed to the nearest police-station.
- (2) Any load which was being carried by an animal seized under section IS and taken to a pollec-station, shall be kept by the officer in charge of the police-station, at the police-station, or at any other

ACT, 1920.

of 1920.7

(Weighbridges and Infirmaries.—Secs. 20, 21.)

place appointed by the Local Government for this purpose. The said load shall be kept during the first forty-cight homes of such detention at the risk of the owner thereof, and he may remove the same during that period.

- (3) The officer in charge of the police-station shall-
  - (a) in the case of any load removed to the policestation under sub-section (1), and
  - (b) in the case of any load referred to in subsection (2), if not removed by the owner within forty-eight hours.

enter, in a register to be kept for the purpose, such particulars of the load as may be prescribed by rules made under section 29, and the load shall thereafter be returned to the person who proves to the satisfaction of the Commissioner of Police that the same belongs to him, on payment of all costs incurred in the removal and detention of such load :

Provided that if the load, or any part thereof, consists of articles which are subject to speedy and natural decay, or consists of livestock, that load, or part thereof, may forthwith be sold or otherwise disposed of under the orders of the Commissioner of Police in accordance with rules made under section 29: and the sale-proceeds, after deducting therefrom all expenses incurred in the removal, detention and sale of the entire load, shall be made over to the owner, on proof of his ownership, within six months from the date of entry in the register.

20. If within six months from the date of entry in the register no person satisfies the Commissioner of sale-proceeds Police that he is the owner of the load, the Commissioner may cause it to be sold or otherwise disposed of in accordance with rules made under section 29, and the proceeds of the sale under this section, or of the sale under the proviso to sub-section (3) of section 19. after deducting therefrom all expenses, shall be applied in such manner as the Local Government may prescribe by rules made under section 29.

21. (1) Any police-officer, or any other person duly authorized by the Local Government in this behalf, mination by who has reason to believe that an offence against this Vetermary Act has been or is being committed in respect of any pector.

Production of

Di-posal

(Ben. Act 1

(Weighbridges and Infirmaries.—Procedure— Secs. 26, 27.)

shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Inspector in charge of the area in which the animal is found and, if the Veterinary Inspector certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is eruel to keep it alive, the police-officer may, without the consent of the owner, kill the animal or cause it to be killed.

## Procedure.

Arrest offenders

- 26. (1) Any police-officer may arrest without a warrant any person committing in his view any offence against this Act, or any person against whom he has received credible information of having committed an offence against this Act, if the name and address of the accused person is nnknown to the officer, and it such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.
- (2) When the true name and address of a person arrested under sub-section (1) have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that if such person is not resident in British India, the bond shall be secured by a surety

or sureties resident in British India.

(3) If the true name and address of such person is not ascertained within twenty-four hours from the time of arrest, or if he fails to excent the bond, or if so required, to furnish sufficient angeties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Special power of search and seizure in respect of certain offets27. If a police-officer, not below the rank of Sub-Inspector, has reason to believe that an offence against section 7 in respect of a goat is being or is about to be, or has been, committed in any place, or that any person has in his possession the skin of a goat with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize any such skin and any article or thing used or intended to be used in the commission of such offence.

of 1920.]

# (Procedure.—Rules.—Secs. 28, 29.)

28. (1) If a Presidency Magistrate, a Magistrate of Search warrants. the first class, the Commissioner of Police, or a Deputy Commissioner of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 6. section 7 or section 10 is being or is about to be, or has heen, committed in any place, he may, at any time by day or by night, without notice, either himself enter and search, or, by his warrant, authorize any policeofficer above the rank of a constable to enter and search, the place.

(2) The provisions of the Code of Criminal Proer v of eedure, 1898, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search made under sub-section (1) or under section 27.

#### Rules.

29. (1) the Local Government may, from time Power of Local to time, make rules to carry ont the purposes of this make rules Act.

- (2) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules-
  - (a) prescribing the maximum weight of the loads to be carried on or drawn by animals:

(b) for preventing the overcrowding of animals: (c) for regulating the ose of tests and the manner

of examination of animals:

(d) prescribing the qualifications of persons to be appointed to be Veterinary Inspectors and weighbridge-officers:

(e) prescribing the procedure to be followed after removal of a load under section 17, subsection (2), or noder section 18:

(f) prescribing the particulars to be entered in the register maintained under section 19.

sub-section (3):

(a) prescribing such other forms or registers as may be required for earrying out the purposes of this Aet:

General Acts, Vol V. For rules under this section, see the Bengal Local Statutory Rules and Orders

[Ben, Act |

Act.

1 300.

(Rules.-Miscellaneous.-Secs. 30-34.)

- (h) for carrying out the provisions of the proviso to sub-section (3) of section 19 and of section 20 in regard to the disposal of loads;
- (i) prescribing the manner in which fines realized under this Act and sale-proceeds realized under section 20 and section 24, sub-section (5), shall be applied:
- (j) for carrying out the provisions of section 24, sub-section (6), in regard to the disposal of animals; and
- (k) for regulating the destruction of animals under section 25.

## Miscellaneous.

Delegation of

30. The Local Government may delegate, under such restrictions as they consider fit, any of the powers conferred upon them by sections 13, 14, 15, 16, 18, 19, 21 and 24, sub-section (2), of this Act to any person or local authority.

Appointments mide by local authority 31. Every appointment made by a local authority under section 15, in exercise of the power delegated to it under section 30, shall be deemed to be an appointment made under the Act by which such local authority is constituted.

Limitation of time for prosecutions. 32. A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of such offence.

Persons appointed under section 15,16, 18 or 21 to be public servants 33. Every person appointed under section 15, 16, 18 or 21 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code!

Indemnity.

34. No sait, prosecution or other legal proceeding shall lie against any person who is, or who has been declared to be, a public servant within the meaning of section 2) of the Indian Penul Code! for anything which is, in good faith, done or intended to be done under this Act.

of 1920.1

## (Miscellancous.—Secs. 35, 36.)

35. Notwithstanding anything contained in the en Act in Calentta Municipal Act, 1899, the Bengal Municipal authority to lay \*\*\* an Act III Act, 1881, or the Bengal Local Self-Government Act of 1885, the Corporation, the Commissioners of a ... en Act III Municipality or the District Board may provide from

Power of local

the funds at their disposal such sums as may be necessary for paying the expenses incidental to the exercise of any of the powers delegated to them under section 30.

Effect

36. Whenever this Act is extended to any town or place outside Calentta, under section 1, sub-section antende Calentta, (3), the Local Government may, by notification, appoint persons, either by name or by official Idesignation, to exercise and perform in such town or place the same powers and duties as are conferred or imposed by this Act on the Commissioner of Police.

Bengal Act 111 of 1923 has been repealed and re-enacted by the Calcutta Municipal Act, 1923 (Ben Act 111 of 1923) p.m. p. 425

# BENGAL ACT No. II OF 1920.

# THE EASTERN FRONTIER RIFLES (BENGAL BATTALION) ACT, 1920.

## CONTENTS.

#### SECTION.

- 1. Short title, local extent and commencement.
- 2. Repeal.
- 3 Definitions.
- 4. Appointment and discharge.
- 5. Classes and rank of riflemen.
- 6. Hoinous offences,
- 7. Other offences, including acts prejudicial to good order and discipline.
- 8. Minor offences and punishments.
- 9. Manner of imprisonment.
- 10. Powers of Commandants and Assistant Commandants for inquiring into offences under this and other Acts.
- 11. Privileges of Commandants and Assistant Commandants.
- 12. Power of Local Government to make rules. The Schedule.



#### BENGAL ACT No. II OF 1920.

# , [THE EASTERN FRONTIER RIFLES (BENGAL BATTALION) ACT, 1920.71

[31st March, 1920.]

An Act to amend the law relating to the regulation of the Eastern Frontier Rifles (Bengal Battalion).

WHEREAS it is expedient to amoud the law relating to the maintenance of discipline among riflemen;

And whereas the previous sanction of the Governor 5 & 6 Geo. V., e '61 General has been obtained under section 79,2 subsection (2), of the Government of India Act, 1915, to the passing of this Act:

It is hereby enacted as follows:-

1. (1) This Act may be called the Eastern Frontier Short title loc Rifles (Bengal Battalion) Act. 1920:

extent and cor mencement

- (2) It extends to the whole of Bengal; and
- (3) It shall come into force on such days as the Local Government may, by notification in the Calcutta Gazette, direct.
- E.B and A. Act, 1912, is hereby repealed. Act III of 1912. The Eastern Bengal and Assam Military Police

Repeal

3. In this Act, unless there is anything repugnant in the subject or context,-

Definitions

- (1) "active service" means service at outposts or against bostile tribes or other persons in the field:
- (2) "Commandant" or "Assistant Commandant" means a person appointed by the Local Government to be a Commandant or an Assistant Commandant of the Eastern Frontier Rifles (Bengal Battalion), hereinafter referred to as the battalion :
- (3) "District Magistrate" includes a Deputy Commissioner and the Superintendent of the Chittagong Hill Tracts;

BATTALION) ACT, 1920.

(Secs. 4, 5.)

Ben. Act. II

V of 1

V of 15

1912.

ActXL

V of 186

(4) "rifleman" means a police officer appointed under section 7 of the Police Act, 18611, who has signed the statement in the Schedule to this Act in accordance with the provisions of this Act, and includes a military policeofficer appointed under the Bengal Military Police Act, 1892, or the Assam Military Police Regulation, 1890,3 or the Eastern versions and Assam Military Police Act, Le. B. a. Act. 110

(5) "superior officer" means, in relation to any rifleman.—

(a) any officer of a higher class than, or of a higher grade in the same class us,

- himself, and (b) any Assistant Commandant, Comman-
- dant or District Magistrate; (6) the expressions "reasons to believe," "erimi-
- na! force," "assault," "fraudulently" and "voluntarily eausing hurt" have the meanings assigned to them respectively in the Indian Penal Code.

Appointment and discharge

4. (1) Before a police-officer appointed under section 7 of the Police Act, 1861,' is enrolled under this Act, the statement in the Schedule shall be read and, if necessary, explained, to him, in the presence of a Magistrate, Commandant or Assistant Commandant, and shall be sigued by him in acknowledgment of its

having beou so read to him. (2) Notwithstanding anything contained in section 9 of the Police Act, 1861, a rifleman shall not be entitled to be discharged except in accordance with the terms of the statement which he has signed under this Act.

Clareca rank of riflemen.

5. There may be all or any of the following classes of riflemen, who shall take rank in the order mentioned, namely :-

(i) Subadars-Major,

(ii) Subadars, (iii) Jamadars,

1912

(iv) Havildars-Major,

(v) Havildars, (ri) Naiks,

(vii) Buglers and sipahis,

and such grades in each class as the Local Government may, from time to time, direct.

4 lietealed, ere # ? mafe, je 209

<sup>1</sup> General Acts, Vol. I 2 Repeated in Beneal by Bengal Act 1 of 1911, Sch. IV 5 Repeated by Pastern Bengal and Assars Act III of 1915.

of 1920.]

## (Sec. 6.)

### 6. A rifleman who--

Heinons offences

- (a) begins, excites, causes or joins in any mutiny or sedition, or, being present at any mutiny or sedition, does not use his utmost endeavours to suppress it, or, knowing or having reason to believe in the existence, of any mutiny or sedition, does not without delay give information thereof to his Commanding or other superior officer; or
- (b) uses, or attempts to use, eriminal force to, or commits nu assault on, his superior officer, knowing or having reason to believe him to be such, whether on or off duty; or
- (c) shamefully abandons or delivers up any garrason, fortress, post or guard which is committed to his charge or which it is his duty to defend; or
- (d) in the presence of an enemy or of any person in arms against whom it is his duty to act, shamefully easts away his arms or his ammunition, or intentionally uses words or any other means to induce any other rifleman to abstain from acting against the enemy, or any such person, or to discourage such officer from acting against the enemy or such person, or who otherwise misbehaves;
- (e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any enemy or person in arms against the State, or omits to discover immediately to his Communication or other superior officer any such correspondence or communications enming to his knowledge; or
- (f) directly or indirectly assists or relieves with money, vietuals or ammunition, or knowingly harbours or protects any enemy or person io arnos against the State; or

who, while on active service-

- : .(g) disobeys the lawful commond of his superior officer; or
  - (h) descris or attempts to desert the service; or
- (i) being a sentry, sleeps at his post, or quits it without being regularly relieved or without leave; or

[Ben, Act II

# (Sec. 7.)

 (j) without authority leaves his Commanding Officer, or his post or party, to go in search of plunder; or

(k) quits his gnard, picquet, party or patrol without being regularly relieved or without

leave; or

(1) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plander, or planders, destroys or damages any property of any kind; or

(m) intentionally causes or spreads a false alarm in action, camp, garrison or quarters:

shall be punished with transportation for life, or with imprisonment which may extend to fourteen years to which a fine not exceeding five hundred rupees may be added, or with a fine not exceeding five hundred rupees.

Other offences, including acts prejudicial to good order and discipline.

## 7. A rifleman who-

- (a) is in a state of intoxication when on or detailed for any duty, or on parade, or on the line of march: or
- (b) strikes, or forces or attempts to force, any sentry; or
- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or, whether in such command or not, releases any prisoner without proper authority or negligently suffers any prisoner to escape; or
- (d) being deputed to any guard, piequet or patrol, quits it without being regularly relieved or without leave; or
- (e) being in command of a guard, picquet or patrol, permits gambling or other behaviour prejudicial to good order and discipline;
- (f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

of 1920.]

### (Sec. 7.) .

- (g) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (h) refuses to superintend or assist in the making of any field work or other military work of any description ordered to be made either in quarters or in the field; or
- strikes or otherwise ill-uses any rifleman subordinate to him in rank or position; or
- (j) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority; or
- (b) designedly or through neglect injures or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accontrements or other necessaries, or any such articles entrusted to him or belonging to any other person; or
- (I) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or
- (m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (n) commits extortion, or without proper authority exacts from any person carriage, porterage or provisions; or
- (o) designedly or through neglect kills, injures, makes away with, ill-treats or loses his horse, or any animal used in the public service; or

# who, while not on active service,-

- (p) disobeys the lawful command of his saperior officer; or
- (q) plunders, destroys or damages any property of any kind; or

Ben. Act II

# (Sec. 8,)

- (r) being a sentry, sleeps at his post or quits it without being regularly relieved or without leave; or
- (s) deserts or attempts to desert the service; or
- (t) neglects to obey any battalion or other orders, or commits any act or omission prejudicial to good order and discipline, such act or omission not constituting an offence under the Indian Penal Code! or any other Act in force in Bengal.

shall be punished with imprisonment for a term which may extend to one year, or with a fine not exceeding two hundred rupees, or with both.

Minor offences and punishments

- 8. (1) A District Magistrate or a Commandant, or, subject to the control of the Commandant, an Assistant Commandant, and, subject to the same control, an officer not below the rank of a Jamadar commanding a separate detachment or an outpost or in temporary command of the battalion at the head-quarters of a district during the absence of the District Magistrate, Commandant and Assistant Commandant, may, without a formal trial, award to any bugler or sipahi who is subject to his anthority, any of the following punishments for the commission of any petty offence against discipline, which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say—
  - (a) imprisonment to the extent of seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of pay and allowances during its continuance:
  - (b) punishment drill, extra guard, fatigue or other daty, not exceeding thirty days in duration, with or without confinement to lines;
  - (c) forfeiture of pay and allowances for a period not exceeding one month.
- (2) Any of these panishments may be awarded separately or in combination with any one or more of the others.

General Arts, Vol 1

of 1920, ]

## (Secs 9-12.)

9. Any rifleman sentenced under this Act to imprisonment for a period not exceeding three months imprisonment shall, when he is also dismissed from the police force, direct, but, when he is not also dismissed from that force, he may, if the convicting court or the District Magistrate so directs, be confined in the quarter-gnard or such other place as the Court or Magistrate may

be imprisoned in the nearest or such other iail as the Local Government may, by general or special order, consider suitable.

V of 1861.

10. Notwithstanding anything contained in the Police Act, 1861, or in any other enactment for the Assistant time being in force, the Local Government may invest inquiring any Commandant or Assistant Commandant with the offences powers of a Magistrate of any class for the purpose Acts of inontring into or trying any offence committed by a rifleman and punishable under the Police Act. 1861.1 or this Act, and any offence committed by a rifleman against the person or property of another rifleman and punishable under any section of the Indian Penal Code or of any other Act in force in Bengal.

Powers or Commandants a nd Comtor Into nnder this and

Act XLV of

1381 to 'F

1 of 1872

11. A Commandant or Assistant Commandant shall be entitled to all the privileges which a police-officer Commandanta has under sections 42 and 43 of the Police Act, 1861, Commardade section 125 of the Indian Evidence Act, 1872, and under any other engetment for the time being in force:

and shall, subject to such rules as the Local Government may from time to time make in this behalf. exercise all the powers of a District Superintendent of Police within the meaning of the Police Act, 1861.

12. The Local Government may, as regards the General to buttalion, make such orders and rules, consistent with saleties this Act, as they think expedient, relative to the several matters respecting which the Inspector-General of Police, with the approval of the Local Government. may, as regards the police force, frame orders and rules under section 12 of the Police Act, 1861.

V of 1801

THE EASTERN FRONTIER RIFLES' (BENGAL

BATTALION) ACT. 1920.

[Ben. Act II of 1920.]

(The Schedule.)

THE SCHEDULE.

STATEMENT.

(See sections 3 and 4.)

After you have served for three years in the Eastern Frontier Rifles (Bengal Battalion), you may, at any time when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to a Commandant of the battalion, or to the Magistrate of the district in which you may be serving; and you will be granted your discharge after two months from the date of your application, unless your discharge would cause the vacancies in the battalion to exceed one-tenth of the sanctioned strength; in that ease you must remain until this objection is waived by competent authority or removed. But when on active service you have no elaim to a discharge and you must remain and do your duty until the necessity for retaining you in the battalion eeases, when you may make your application in the manner hereinbefore prescribed. In the ovent of your re-enlistment after you have been discharged, you will have no claim to reckon for pension or any other purpose your service provious to your discharge.

Signature aeknowle	of	officer	inγ
aeknowk	edgi	ment	of (
the ab	ovo	havi	ng (
been reac	l to	him.	

A. B.

Signed in my presence after I had ascertainwhat he signed.

C. D.

ed that A. B. under- Magistrate, Command-stood the purport of ant or Assistant Commandant

#### BENGAL ACT No. III OF 1920.

# THE CALCUTTA RENT ACT, 1920.

#### CONTENTS.

#### SECTION.

- Short title, extent, commencement, and duration.
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- 7. Increase on account of payment of taxes.
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- 9. Fine, or premium not to be charged for grant, renewal or continuance of tenancy.
- Exception in case of long leases for purposes of development.
- No order for ejectment to be made if rent paid at allowable rate.
- 12. Power of Court to rescind order in certain cases.
- 13. Issue of distress warrants and other processes barred in certain cases.
- 14. Rent which should not have been paid may be recovered.
- 15. Duties and powers of the Controller. .
- 16. Power of entry.
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- 20. Penalty for disturbance of easements, etc.
- Fine to be recovered by distraint and sale of movable property.
- 22. Sanction and limitation for prosecutions.
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- 24. Procedure in hearing references.
- 25. Exception of new premises.
- 26. Corporation of Calcutta, or local authority not to ruise assessment.

Short

#### BENGAL ACT No. III OF 1920.

#### (THE CALCUTTA RENT ACT. 1920.)

[5th May, 1920.]

An Act to restrict temporarily the increase of rents in Calcutta.

Whereas it is expedient to restrict temporarily the increase of rents in Calcutta:

And whereas the previous sanction of the Governor General has been obtained under section 79,2 sub-section (2), of the Government of India Act, 1915, to the passing of this Act:

It is hereby enacted as follows:-

, c, 61.

- 1. (1) This Act may be called the Calentia Rent Act. 1920.
  - extent, commence ment and dura-(2) It extends to the whole of Calcutta:

Provided that the Local Government may by notilication exempt from the operation of this Act, or any portion thereof, any such area, or any such class of premises, as may be specified in such notification, and the decision of the Local Government whether any premises come within such class or area shall be final.

- (3) The Local Government may, after previous publication, direct by notification that the Act shall come into operation in any other town, or local area in Bengal on such date as may be specified in the notification.
- (4) The Act shall come into force on such dates as the Local Government may by notification direct, and it shall be in force [nntil the end of March 1924].

Provided that the expiration of this Act shall not render recoverable any sum which during the continuance thereof was irrecoverable, or affect the right of a tenant to recover any sum which during the continuance thereof was under the Act recoverable by him.

For Statement of Objects and Reasons, see Calcutta Gazetts, Extraordinary, March 8, 1970, p. 8; and for proceedings in Council, see Calcutta Gazette, 1920, pt., 1VA, pp. 248-255, and 294-297, und 473-519.

<sup>1920.</sup> from Act,

Ben. Act III

(Sec. 2.)

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) "Calentia" means the area described in Sche-

dule I to the Calcutta Municipal Act, 18991;

(b) "Controller" means the Controller appointed under this Act:

(c) "landlord" means any person for the time being entitled to receive rent in respect of any premises, whether on his own account, or on account, or on behalf, or for the benefit of any other person or as trustee, gnardian, or receiver for any other person; it includes a legal representative, as defined in the Code of Civil Procedure. 1908,2 a tenant who sublets any premises, every person from time to time deriving title under a landlord, and also includes the Government:

(d) "notification" means a notification published

in the Calcutta Gazetle:

(e) "premises" means any building, or part of a building, or but let separately for residential, charitable, educational, or public purposes, or for the purposes of a shop or an office, including any land appertaining thereto and let therewith:

such expression includes a room or rooms in a hotel, boarding house or lodging house, but does not include a stall let at variable rents at different seasons of the year for the retail sale of goods in a market as defined in section 3(24) of the Calcutta Municipal Act, 1899 : 1

(f) "standard rent," in relation to any premises means.-

- (i) the rent at which the premises were let on the first day of November, 1918, or, where they were not let on that date, the rent at which they were last let before that date and after the first day of November, 1915, with the addition, in oither ease, of ten per cent. on such rent:
- (ii) in the ease of any premises which were or shall be first lot after the first day of November, 1918, the rent at which the premises were or may be first let;
- (iii) in the cases specified in section 15, the rent fixed by the Controller:

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of 1899

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i Dencal Act. III of this has been refealed and regracted by the Calcuta Manloral Act. 1923 (Don. Act. III of 1923), p. n. p. 425.

\* General Acts, Vol. VI.

of 1920.]

#### (Secs. 3, 4.)

Act V of 1908.

(g) "tenant" means any person, by whom or on whose account rent is payable for any premises, and includes a legal representative, as defined in the Code of Civil Procedure, 1908,1 and every person from time to time deriving title under a tenant.

Appointment of

- 3 (1) The Local Government may by notification Controller appoint a Controller for any area in which this Act is in operation.
  - (2) The Controller shall be either-
    - (a) a member of the Executive or Judicial Branch of the Imperial or Provincial Civil Service of not less than ten years' standing in such service, or a retired officer of the Government he ving similar qualifications, or the Chairman of the Corporation of Calcutta. or of the Calentta Improvement Trust; or
      - (b) a barrister, advocate, vakil or attorney of the High Court of Calcutta, of not less than ten verrs' standing, who has practised as such, and has experience of rent values and land requisition eases in Calcutta.
- 4. (1) Subject to the provisions of this Act, where the tent of any premises has been or is hereafter, raing reals during the continuance of this Act, increased so as exceed the standard rent, the amount of such excess shall, notwithstanding any agreement to the contrary, be ir recoverable:

Provided that nothing in sub-section (1) shall apply-

- (i) to any cent which accrued due before the date of the commencement of this Act:
- (ii) to any periodical increment of rent accrued due under any written agreement entered into before the first day of November, 1918;
- (iii) to the rent payable under any lease or any agreement to lease entered into before the date of the commencement of this Act, for a period of five years or upwaids; or
- (iv) to the rent payable under any lease or agreement to lease for a period of five years or more, provided the terms embodied in such lease or agreement to lease are certified by the Controller to be just and fair.

|Ben, Act |

#### Secs. 5-8.)

(2) For the purpose of sub-section (1), the rent shall be deemed to have accrued from day to day.

Increase of rent allowed for improvements.

5. Where the landlord has, since the first day of November, 1918, incurred, or during the continuance of this Act incurs, expenditure on the improvement or structural alteration of any premises (not including expenditure on decorations or necessary repairs), he may apply to the Controller to alter the standard rent.

Cases where rent not to be deemed increased.

- 6. (1) Where as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.
- (2) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.

Increase on account of payment of taxes 7. Where the laudlord pays any municipal rates, taxes, or cesses in respect of any premises he may apply to the Controller to increase the standard rent to the extent of the increase in the amount for the time being payable by the landlord in respect of such rates, taxes, or cesses over the amount paid in the period of assessment which included the first day of November, 1918.

Previous notice.

- 8. (1) Wherever an increase of the rent of any premises is allowable under the provisions of this Act. no such increase shall be recoverable until the expiry of one month after the handlord has served on the tenant a notice in writing of his intention to increase the rent, accompanied by a certificate from the Controller fixing the standard rent.
- (2) Where such a notice has been served on any tenant, the increase may be continued without service of any fresh notice on any subsequent tenant.

of 1920.]

#### (Secs. 9-11.)

9. (1) It shall not be lawful for any person in Fine or preconsideration of the grant, renewal, or continuance of charged a tenancy of any premises, to require the payment of grant. renewal, any fine, premium, or any other like sum in addition of tenancy. to the rent.

(2) Where any such payment has been made after the date of the commencement of this Act, the amount shall be recoverable by the tenant by whom it was made from the landlord, and may, without prejudice to any other method of recovery, be deducted from any rent payable by him to the landlord:

Provided that nothing in this section shall affect any such payments made in accordance with an agreement entered into before the fifteenth day of March, 1920.

10. Notwithstanding anything contained in sec-10. Notwithstanding anything contained in section 9, a landlord may receive a premium, or other case of long leaves for pargers of like sum in addition to the rent in respect of any pre- development. mises which are let out on a lease for a period of not less than twenty years for the purposes of development either by building or re-building, if the Controller is satisfied that such premises are bond fide required for such purposes :

Provided that the rent payable for the premises during the continuance of this Act shall not exceed the standard rent.

1X of 1872

11. (1) Notwithstanding anything contained in No order for IV of 1882 the Transfer of Property Act, 1882, the Presidency electment to be xv of 1882 Small Cause Courts Act, 1882, or the Indian Contract at allowable rate. Act, 1872, no order or decree for the recovery of possession of any premises shall be made so long as the tenant pays rent to the full extent allowable by this Act, and performs the conditions of the tenancy :

Provided that nothing in this snb-section shall apply where the tenant has done any act contrary to the provisions of clause (m), clause (o), or clause (p) of section 108 of the Transfer of Property Act, 1882,1 or has been goilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers, or where the premises are bond fide required by the landlord either for purposes of building or re-building, or

1V of 1882

Ben. Act III

### (Section 12.)

for his own occupation, or for the occupation of any person for whose benefit the premises are held, or where the landlord can show any cause which may be deemed satisfactory by the Court.

- (2) Where the laudlord recovers possession on the ground that the premises are required for his own occupation, or for the occupation of any person for whose benefit the premises are held, the tenant shall have a right of re-entry, if the premises are let to another tenant within six months from the date of recovery of possession.
- (3) The fact that the period of the lease has expired, or that the interest of the handlord in the premises has been transferred, shall not of itself be deemed to be a satisfactory cause within the meaning of the proviso to sub-section (1), provided that the tenant is ready and willing to pay rent to the full extent allowable by this Act.
- (4) Where a landlord refuses to accept the rent referred to in sub-section (1) offered by a tenant, the tenant may deposit it with the Controller within a fortnight of its becoming due,
- (5) No tonant shall be entitled to the benefit of this section in respect of any premises, unless within three months of the date of the commencement of this Act he has paid all arrears of reut due by him in respect of the said premises, and also unless he pays the rent due by him to the full extent allowable by this Act within the time fixed in the contract with his landlord, or, in the absence of any such contract, by the filtrenth day of the month next following that for which the rent is payable.

Power of Court to reseind order in certain cases.

12. Where any order or decree of the kind mentioned in section 11, sub-section (1), has been made on or after the thirtieth day of September, 1919, but not executed before the date of the commencement of this Act, the Court by which the order was undemay, if it is of opinion that the order or decree would not have been unde if this Act had been in operation at the date of the miking of the order, reseind or vary the order in such manner as the Court may think fit for the purpose of giving effect to this Act.

of 1920.]

## (Secs. 13-15.)

13. No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts other Act, 1882, and no process under the Code of Civil barred in certain XV of 188". Procedure, 1908, in execution of a decree passed 1908 ex varte thereunder, shall be issued, either for the attachment of property, or for the arrest of any tenant, in connection with recovery of rent of any premises situated in any area to which this Act may apply, unless the person applying for execution shall, when making his application, swear or affirm by affidavit or otherwise that none of the rent, in respect of which execution is applied for, is irrecoverable under this

warrants proce-ges

14. (1) Where any sum has, after the date of Rent which have the commencement of this Act, been paid on account been paid may be of rent, being a sum which is by reason of the provisions of this Act irrecoverable, such sum shall at any time within a period of six months after the date of payment, be recoverable by the tenant by whom it was paid from the landlord who received the payment. and may, without prejudice to any other method of recovery, be deducted by such tenant from any rent payable within six months by bim, to such landlord,

- (2) In this section the expression landloid includes. in the case of joint family property, the joint family of which the landlord, if deceased, was a member.
- 15. (1) The Controller shall, on application made to him by any landlord or tenant, grant a certificate Controller. certifying the standard rent of any premises leased or cented by such landlord or tenant, as the case may he.

and Dutses the

- (2) The Controller may on application by any tenant or occupant of a room or 100ms in a hotel. hoarding house, or lodging house fix the rent or charge at such sum as, having legard to the provisions of this Act and the circumstances of the case, including the cost of food, furniture, and service, and the rent or charge paid for such room or rooms on the first day of November, 1918, he decms just.
- (3) In any of the following cases, the Controller may fix the standard rent at such amount as, having

[Ben. Act III

#### (Sec. 15.)

regard to the provisions of this Act and the circumstances of the case, he deems just:-

- (a) where by reason of any premises having been let at one time as a whole, and at another time in parts, or where a tenant has sublet a part of any premises let to him, or where for any reason any difficulty arises in giving effect to this Act;
- (b) where in the ease of any premises let furnished, it is necessary to distinguish, for the purpose of giving effect to this Act, the amount payable as rent from the amount payable as hire of furniture:
- (c) where any premises have been, or are let rent free, or at a nominal rent, or for some consideration in addition to rent:
- (d) where the rent paid on the first day of November, 1918, or, where the premises were not let on that date, the rent at which the premises were last let before that date was in the opinion of the Controller unduly low; or
- (e) where there has been a change in the condition of any premises, or an increase in the manicipal rates, taxes, or cesses in respect of any premises subsequent to the standard rent having been fixed:

#### Provided that-

(i) under clause (d) the standard rent shall not be fixed at a higher amount than the highest rent actually paid for the premises at any time since the first day of November, 1913: where however the rent has not been increased since the first day of November, 1913, by more than twenty-five per cent, or where a premium or other like sum has been paid in addition to rent, the Controller may fix such standard rent as he may deem just;

(ii) under clause (c) the Controller shall not increase the rent by more than ten per cent per annum on the amount expended on the improvement or structural alteration of the premises as provided for in section 5.

of 1920.]

#### (Secs. 16, 17.)

(4) Before exercising any of the powers conferred on him by this Act, the Controller shall give notice of his intention to the landlord and tenant, if any, and shall duly consider any application received by him from any person interested, within such period as shall be specified in the notice.

(5) All orders of the Controller passed under this Act shall he in writing, and a certified copy thereof shall he affixed to some conspicuous part of the premises to which it relates, or to some conspicuous object near such premises, and a certified copy shall also be delivered to the landlord, or his authorised agent, in such manner as the Local Government may

by rule prescribe.

(6) Any person affected by any order of the Centroller shall be entitled to be furnished with a copy thereof, duly certified by the Controller to be a correct copy, on payment of such sum as the Local Government may prescribe. Such copy shall be admissible in evidence in any Court of Law to prove the order of the Controller.

16. For the purpose of any inquiries under this Act, the Controller, or any person duly authorised by the Controller in writing either generally or specially in this hehalf, may enter any building or land with or without any assistants between the hours of 9 AM. and 6 PM:

Provided that no building shall be so entered, without the consent of the occupier, unless twenty-four hours' previous notice in writing has been given.

17. (1) For the purposes of any inquiry under rough this Act, the Controller may by written order require ton any person—

Power to require information and to summon witnesses

Power of entry .

- (a) to furnish bim with particulars, in such form, within such time, and at such place, as may be specified in the order, as to the rent at which, and the manner in which, any premises were let in the year 1913, or subsequently, and as to any other matter relevant to the inquiry;
- (b) to produce for his inspection such accounts, rent receipts, books or other documents relevant to the inquiry, it such time and at such place, as may be specified in the order.

[Ben. Act Itt

### (Secs. 18, 19.)

(2) The Controller shall, subject to any rules made under this Act, and in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of a Court by the Code of Civil Procedure, 1908.

Revision of Controllers order by the Fresident of the Tribunal, or the Civil Court

18. If the decision of the Controller fixing the standard rent for any premises is questioned, either the landlord, or the tenant may, in respect of premises in Calcutta, apply for revision of such order to the President of the Tribunal appointed under section 72 of the Calcutta Improvement Act, 1911, and, in other respect of premises outside Calcutta, to the principal Civil Court of original inrisiliction in the district. A certilled copy of the order of the Controller shall be filed with the netition of revision. The petition of revision shall bear a Court-fee stamp of eight annas. Any such petition shall be filed within thirty days from the date of the order passed by the Controller. The time taken in obtaining a certified copy of the order of the Controller shall be excluded in computing the period in which the petition must be filed. decision of the President of the Tribunal, or of such other Court as aforesaid, shall be linal.

Proalty for recovering reat in excess of the standard tent

- 19. (I) Whoever knowingly receives, whether directly or indirectly, on account of the rent of any premises any sum in excess of the standard rent or any fine, premium, or any other like some in addition to the standard rent, except as provided in section 10, shall, on the complaint of the party aggrieved, be hable, on the first occasion, to a fine which may extend to five hundred rupees, and on a s-cond or subsequent occasion, in regard to the same, or any other premises, to a fine which may extend to one thousand rupees, to be nuposed, after summary inquiry, by the President of the Tribunal, or the principal Civil Court, as the case may be.
- (2) A person shall be deemed to receive a sum in excess of the standard rent, if he receives any consideration representing a money value in excess of such standard rent.

of 1920.1

#### (Secs. 20-23.)

20. Whoever, in any case in which an order or Penalty for disturbance of decree for the recovery of any premises is prohibited easements etc. under section 11, without the previous written consent of the Controller, or save for the purpose of effecting repairs or complying with any municipal requisition, wilfully disturbs any easement annexed to any premises, or removes, destroys, or renders unserviceable, anything provided for permanent use therewith, or di-continues any supply or service comprised in such tent, shall, on the complaint of the party aggrieved, be liable, on the first occasion, to a fine which may extend to five hundred rapees, and on a second or subsequent occasion, in regard to the same, or any other premises, to a fine which may extend to one thousand rupees, to be imposed, after summary inquiry, by the President of the Tribunal or the principal Civil Court, as the case may be.

21. The fine imposed under section 19, or section 20. shall be levied by the Controller by the distinint data and and sale of a sufficient portion of the movable projecty sale of movable of the person flued in accordance with rules prescribed under section 23.

Fine to and

22. No complaint under this Act shall be brought Sanction, and limitation for against any person without the previous sanction of prosecutions the Controller, or after the expiration of three months from the date of the commission of the acts referred to in sections 19 and 20.

23. (1) The Local Government may, after previous publication, make rules to carry out the purposes of this Act.

Power to make

- (2) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules-
  - (a) prescribing the method of publication of a notification under section 1, sub-section (3);
  - (b) prescribing the manner of delivery of a cernfied copy of an order made by the Controller under this Act ;
  - (c) regulating the procedure to be followed in inquiries by the Controller, the President of the Tribunal and the principal Civil Court of original jurisdiction in the district, under this Act :

<sup>1</sup> For such rules, see the Bengal Local Statutory Rules and Orders

[Ben. Act III of 1920.] (Secs. 24-26.)

- (d) prescribing the manner of giving notice to the landlord in case of a deposit of rent under section 11, sub-section (4), and the method of withdrawal of the rent by the landlord;
- (e) prescribing the method of distraint and sale of movable property of landlords under section 21;
- (f) prescribing a scale of costs and fees, and providing for the charging, or remitting of costs and fees.

Procedure in hearing references 24. In revising the decisions of the Controller, the President of the Tribunal, or the principal Civil Court shall follow, as nearly as may be, the procedure laid down in the Code of Civil Procedure, 1908, for Act the regular trial of suits.

Act V of

Exception of new premises

25. This Act shall not apply to premises erected after, or in course of erection at the commencement of this Act.

Corporation of Calcutta, or local authority not to raise assessment 26. During the continuance of this Act, the Corporation of Calcutti, or any other local authority shall not raise its assessment of any premises above the standard rent on the ground of the increase of value.

1 General Acts, Vol VI \*

#### BENGAL ACT No. IV OF 1920.

## [THE CALCUTTA PILOTS (AMENDMENT) ACT, 1920].1

[4th August, 1920.]

An Act to amend the Calcutta Pilots Act, 1859.

XII of 1859.

V, c. 61.

WHEREAS it is expedient to amend the Calcutta Pilots Act, 1859,2 in the manner hereinafter appearing

And whereas the previous sanction of the Governor General has been obtained under section 79,3 subsection (2), of the Government of India Act, 1915, to 5 & G Geo the passing of this Act:

It is hereby enacted as follows:-

- 1. This Act may be called the Calcutta Pilots Short title (Amendment) Act, 1920.
- 2. In section 17 of the Calcutta Pilots Act, 1859, Amendment of section 17 of Act the words "or pay" shall be omitted. XII of 185".

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, see Calcutta Gazette, 1920, Pt. IV, p 86; and for Proceedings in Council, see stud, Pt. IVA, p. 678 9 18-gail Code, Vol I as Section 79 of the Covernment of India Act, 1915, was repealed by Pt. II of Schedule II of the Government of India Act, 1919 9 & 10 Geo V, c. 101

#### BENGAL ACT No. V OF 1920.

# THE BENGAL ALLUVIAL LANDS ACT, 1920.

#### CONTENTS.

## PREAMBLE.

#### SECTION.

- 1. Short title and local extent.
- 2. Definitions.
- 3. Power of Collector to attach alluvial land.
- 4. Collector to cause survey to be made.
- 5. Reference to Civil Court.
- 6. Taking possession of land by person entitled
- 7. Costs under sections 3 and 4 (1).
- 8. Rules.
- 9. Indemnity.
- Bar to institution of proceedings under section 145 of the Code of Criminal Procedure.

#### BENGAL ACT No. V OF 1920.

#### (THE BENGAL ALLUVIAL LANDS ACT, 1920.)1

[13th October, 1920.]

An Act to prevent disputes concerning the possession of certain lands in Bengat gained by allurion, or by dereliction of a river or the sea.

Preamble

Whereas it is expedient to make provision for the prevention of disputes concerning the possession of eertain lands in Bengal gained by alluvion, or by dereliction of a river or the sea:

And whereas the previous sanction of the Governor General has been obtained, under section 79,2 sub-section (2), of the Government of India Act, 1915, to the t 6 Geo. passing of this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Alluvial Short title and local extent Lands Act, 1920.

(2) It extends to the whole of Bengal.

2. In this Act, unless there is anything repugnant Definitions. in the subject or context.-

- (a) "allovial land" means land which is gained from a river or the sea in any of the ways referred to in the Bengal Alluvion and Diluvion Regulation, 1825,3 the Bengal Allnviou and Diluvion Act, 1817, or the Bengal Alluvion (Amendment) Act, 1868, and includes reformations in situ; and
- (b) "Collector" means the Collector of district or a subdivisional officer or any other officer not below the rank of a Deputy Collector exercising the powers of a magistrate of the first class appointed by the Local Government to discharge any of the functions of a Collector under this Act

Reg 1 1823 of 1847.

en. Act IV

<sup>&</sup>quot;For Statement of Objects and Reasons, see falcette" Gazette 1923, 114; IV, p. 15, and for Proceedings in Courch, see stad, Pt IV 4, pp. 135, 336 p. 136; and p. 136, 336; and p. 136, 337; and p. 136; and p. 136

Bengal Code, Vol 1 Fengal Code, Vol 11

[Ben. Act V

(cecs. 3, 4.)

Power of Collector to attach alluvial land

3. (1) Notwithstanding anything contained in the Bengal Alluvion and Diluvion Regulation, 1825, the Bengal Alluvion and Diluvion Act, 1847,1 or the Bengal Alluvion (Amendment) Act, 1868,2 the Collector, if he is credibly informed that a dispute likely to of 1868. cause a breach of the peace exists or is likely to arise, in regard to any alluvial land which in his opinion has recently formed, may, after making an order in writing, stating the grounds therefor, in the interests of public order, attach such land, and may demarcate it with boundary pillars.

(2) When the Collector attaches any alluvial land under sub-section (1), he may himself manage such land during the period of attachment, or may, if he thinks fit, appoint a receiver thereof, who, subject to the control of the Collector, shall have all such powers conferrable on a receiver appointed under the Code of Civil Procedure, 1908, as may be given to him by the 1908.

Act V of

1 of 1477

Ben, Reg

XI of 1×25 IX of 191;

Provided that neither the Collector nor the receiver shall make a settlement or resettlement of any land for a period exceeding three years.

(3) Nothing in this section shall preclude any party interested from showing, before the Collector unikes an order of reference under section 5, sub-section (1), that no such dispute as aforesaid exists or is likely to arise; and the Collector, if satisfied that no such dispute as aforesaid exists or is likely to arise, shall cancel his order of attachment under sub-section (1), and all further proceedings thereon shall be stayed, but, subject to such caucellation, the stid order shall

be final.

Collector

4. (1) When the Collector has attached any alluvial land under section 3, he shall as soon as possible cause cause survey to be made, a survey to be made and a map to be prepared of the land, including the revenue, diara and other relevant survey lines.

(2) The survey made under sub-section (1) shall be deemed to be survey under the Bengal Survey Act. 1875, and the Collector shall exercise in respect of such of 1875. survey all powers which he is empowered to exercise for the purposes of inquiries and surveys under that

Act. (3) Notwithstanding anything contained in section

83 of the Indian Evidence Act, 1872, a map prepared under sub-section (1) shall be presumed by the Court to be accurate until the contrary is shown.

<sup>1</sup> Berryl Cole, Vol. 1.

<sup>\*</sup> General Acts Vol VI

of 1920.]

#### (Secs. 5, 6.)

5. (i) When the survey and map referred to In Reference section I, sub-section (I), have been completed the Collector shall as soon as possible pass an order making a reference to the principal Civil Court of original inrisdiction in the district for a decision as to what person has a title to the land, and shall state in such order the names of the parties whom he has reason to believe to be claimants to the said land, the amount of costs incurred by the Collector under section 3 and section 1, sub-section (1), and the value of the land.

(2) On receipt of a reference made under subsection (1), the principal Civil Court of the district may either proceed to determine the matter or may transfer the matter for determination to any other Civil Court subordinate to such Court connetent to try or dispose of a suit for the determination of title to the land.

The said Court shall Issue notices to all the claimants mentloned in the said reference and shall also issue general nutlees calling upon all other persons claiming interest in the land to appear and file statements of their respective claims. The said Court shall also determine which of the claimants has the right to begin at the hearing of the reference.

(3) Save as otherwise provided in this Act. a reference made under sub-section (1), shall be deemed tn he a suit for all the purposes of the Code of Civil Act V ol 190 .. Procedure, 1908; and every decision by a Civil Court under sub-section (2), shall be deemed to be a decree within the meaning of that Code and appealable as such.

> (4) The said Court may make such order as it shall think fit with regard to the payment of the costs incurred under section 3, section 4, sub-section (1), and incurred up to the final disposal of the reference. including such court-fees as are payable under the Court-fees Act. 1870, on a plaint in a suit for the determination of title to land.

6. Whenever the Court makes an order under section 5, sub-section (2), it shall certify to the Collector sion of land by its decision, and the Collector shall thereupon put the it person entitled to person stated in such order to be entitled to the land in possession thereof.

V17 of 1870

(Secs. 7-10.)

Ben. Act V of 1920.7

Costs under sections 3 and 4(1)

- 7. (1) Every order under section 3, snb-scetion (3). shall state the amount of costs incurred under section 3, and section 4, sub-section (1), if any, and by what persons and in what proportions they are to be paid. and such costs shall be recoverable as arrears of a bublic demand.
- (2) Any person against whom an order has been made with regard to such costs, may, within one month of the date of such order, prefer an appeal to the Commissioner in respect of such costs.

Rules.

- 8. The Local Government may, subject to the condition of previous publication by notification in the Calcutta Gazette, make rules!-
  - (1) to regulate the procedure to be followed by the Collector in attaching any alluvial land under section 3:
  - (2) to regulate the procedure to be followed by the Collector or receiver in the management of such land during the period of attachment;
  - (3) to regulate the procedure to be followed by the Collector in demarcating, surveying and preparing a map of, any alluvial land;
  - (4) to regulate the procedure to be followed in making a reference to the Court under seetion 5, sub-section (1):
  - (5) to regulate the publication of general notices prescribed by section 5, sub-section (2);
  - (6) to regulate the manner of making over possession of alluvial land under section 6: and
  - (7) generally to carry out the purposes of this Aet.

Indemniy

9. No suit or other legal proceeding shall lie against the Collector, or any person acting under his direction, for any act done or ordered to be done in good faith under this Act.

Bar to in-sitution of proceeds Direct the Code of Crimbal Proceduce

When the Collector has attached any alluvial land under section 3, no proceedings under section 145 of the Code of Criminal Procedure, 1898, shall be very err instituted in any Court in respect of the same land, or of any part thereof; and any such proceedings alrady commenced and pending in any such Court shall be stayed.

As to previous publication, see the Bengal General Clauses Act, 1009 (Ben Art 1 et 1400), a. 21

<sup>\*</sup> Fee such rules, see the Bengal Local Statutory Rules and Orders. \* tee real Acts, Vol. V.

#### BENGAL ACT No. VI OF 1920.

# THE BENGAL AGRICULTURAL AND SANITARY IMPROVEMENT ACT, 1920.

#### CONTENTS.

SICTION.

#### Preliminary.

- 1. Short title, extent and commencement
- 2. Definitions.

## Application for construction of works and procedure thereon.

- Procedure by the Collector on receipt of application for the undertaking of a work.
- 4. Order after luquiry.
- 5. Engineer to prepare scheme.
- 6. Publication of scheme.
- Procedure in the case of minor schemes.
- 8. Power of Collector to reject, or accept
- Procedure In the case of major schemes, Appointment of committee.
- 10. Committee to consider major schemes.
- Committee to forward scheme to Local Government for consideration.
- Order by the Local Government on the scheme.
- 13. Engineer to execute scheme.
- Compulsory acquisition of land needed for the purposes of this Act.
- 15. Deposit, or security for cost of work.
- Power to enter into, or upon, land forming part of a local area.

#### Apportionment and recovery of costs.

- Report by Engineer on completion of work.
- 18. Procedure on receipt of report.

#### SECTION.

- 19. Collector to determine amount recoverable and prepare detailed statement.
- Procedure on completion of detailed statement.
- Realization of costs due.
- Recovery of arrears as arrears of landrevenue.

#### Miscellaneous.

- 23. Compensation for consequential damage.
- 24. Limitation to claim for compensation.
- 25. Procedure for determining compensation.
- 26. Matters to be considered in determining compensation.
- 27. Additional costs.
- Drainage works subject to laws relating to public embankments.
- 29. Lands and works how to be vested.
- 30. Maintenance of works.
- 31. Administration of capitalized cost of maintenance.
- Penalty for constructing weirs, etc., obstructing public drainage.
- 33. Powers of the Commissioner, etc., in taking evidence,
- 34. Proceedings not to be invalidated by irregularities.
- 35. Power of Local Government to make rules.
- 36. Repeal.

#### BENGAL ACT No. VI OF 1920.

## (THE BENGAL AGRICULTURAL AND SANI-TARY IMPROVEMENT ACT, 1920.)1

[13th October 1920.]

An Act to consolidate and amend the law relating to the construction of drainage and other works for the improvement of the agricultural and sanitary conditions of certain areas in Bengal.

Whereas it is expedient to consolidate and amend the law relating to the construction of drainage and other works for the Improvement of the agricultural and sanitary conditions of certain areas in Bengal; It is hereby enacted as follows:-

#### Preliminary.

1. (1) This Act may be called the Bengal Agrienlinral and Sanitary Improvement Act, 1920. (2) It extends to the whole of Bengal, except the

Bhort extent and commencement.

town of Calcutta as defined in clause (7) of section 3 Act of the Calcutta Municipal Act, 1899, and any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act. 1884:

Provided that if any scheme under this Act jointly affects any area to which this Act extends and any municipal area, this Act shall be deemed to apply to such municipal area for the purposes of such scheme.

(3) It shall come into force on such date as the Local Government may, by notification in the Calcutta Gazette, direct.

2. In this Act, unless there is anything repug- Definitions. nant in the subject or context,-

(1) "Collector"---

f 1884.

(a) means the officer in charge of the revenue jurisdiction of the district within which the lands which form the subject of scheme under this Act are situated, or, in the case of a scheme relatiog to lands lying in more than ooe district, any such officer or officers as may be selected by the Commissioner; and

<sup>1</sup> For Statement of Objects and Reason-, see Calcutta Gazette, 1920, Pt IV, p 36 and for Proceedings in Council, see abid, Pt IVA, pp 267-268, and 293-994, and

I and re-enacted by the Calcutta p 425 0 10367 L. R., dated the 30th Nov-

[Ben. Act vi

## (Preliminary-Sec. 2.)

(b) includes any officer appointed by the Local Government by general or special order to discharge all or any of the functions of the Collector under this Act:

(2) the "cost" of a work includes-

(a) the total expenditure incurred by the Engineer for surveys, plans, estimates, valuations of a work, and incidental expenses connected therewith, whether autecedent or subsequent to the adoption of a scheme, and all expenses incurred in its excention:

(b) the estimated capitalized cost of the main-

tenance of the work:

- (c) the total expenditure incurred by the Collector in connection with the scheme and work inclusive of any preliminary inquiry, compensation for and cost of any land taken or acquired for the purposes of this Act, the preparation or revision of any record-ofrights and the cost of apportionment and recovery;
- (d) all amounts paid, or estimated as payable, as compensation for damage inflicted in earrying outany scheme or work under this Act; and
- (e) interest on all recoverable deposits or advances made by the Local Government, or by a local authority, or any person, at such rates and from and to such dates as may be prescribed;
- (3) 'Engineer' means the District Engineer, or any Engineer, or other person specially appointed by the Local Government in the case of unjor schemes, or by the Collector in the case of unior schemes, to discharge all or any of the functions of an Engineer under this Act:

(4) "landlord" means a person immediately under whom a touant holds and includes a landlord in khas

uosession and also the Government;

(5) "local area" means the portion of a district or districts to which a scheme under this Act relates, and any municipal area included within such scheme;

(6) "local authority" means any authority legally entitled to, or entrusted by Government with, the control or management of a manicipal, or local fund, and includes a Local Board constituted under the Bengal Local Self-Government Act of 1885.

Ben Art I

of 1920,]

#### (Amlication for construction of works and procedure thereon.—Sec. 3.)

(7) "major scheme" means a scheme-

- (i) in which the estimated cost of the work involved exceeds the prescribed amount.
- (ii) in which more than one independent local authority is concerned, or
- (iii) which the Collector has certified should be treated, in such circumstances as may be prescribed, as a major scheme;
- (8) "minor scheme" means any scheme other than a major schemo :

(9) "prescribed" means prescribed by rules under

this Act:

- (10) a "scheme" includes-
  - (a) a survey and plans, (b) estimates of the cost of the work invelved in such scheme.
  - (c) a description or map of the local area, and

(d) a report on the scheme:

(11) "tenant" menns a person, whether resident or non-resident in the local area, who holds hand or premises for any purposes whatsoever under another person, and is, or but for a special contract would be, liable to pny rent for that land or premises to that person, and includes any rent-free holder or temporary occupant of land or premises.

#### Application for construction of works and procedure thereon.

3. Whenever an application is received by the Collector from a local authority, or local authorities, or the Collector on any person, or persons, recommending the undertaking of any work for the improvement, or for the prevention of the deterioration, of the agricultural or sanitary condition of any area, or if the Collector is himself of opinion that the undertaking of any such work is necessary, he shall cause such inquiries as he may deem necessary to be made and shall thereafter consult the local authority or local authorities concerned:

Provided that if after such inquiries, the Collector is satisfied that the proposed work will constitute a minor scheme which is mainly agricultural in character, reference to any local authority shall not be necessary but may be made if the Collector deems it

desirable.

Procedure undertaking of a

Bon, Act VI

(Application for construction of works and procedure thereon.—Secs. 4—8.)

Order after luquiry

- 4. (1) On completion of the necessary inquiries and after consultation, when necessary, with the local authority or local authorities, the Collector shall—
  - (a) if he considers that the proposed work should not be done, pass an order to that effect;
  - (b) if he considers that the work proposed or modified should be done, take action as hereinafter provided.
- (2) An appeal shall lie to the Commissioner against every order by the Collector under clause (a) of subsection (1) within thirty days of such order; and the decision of the Commissioner thereon shall be final.

Engineer to pre-

- 5. (1) Whenever it has been decided under section 4 to proceed with any work, the Collector shall direct the Engineer to propare a scheme.
- (2) When the Engineer has prepared any such scheme, he shall forward it to the Collector, who may, subject to such rules as may he prescribed in this behalf, make such modifications therein as he may deem necessary.

Publication of

6. As soon as possible after the receipt of the scheme, the Collector shall publish a notice in the prescribed manner calling for objections or suggestions thereon by any local authorities, or persons interested, within such time as may be prescribed.

Procedure in the case of minor achemics

sh. In the case of minor schemes, the Collector shall, as soon as possible after the expiry of the period fixed by the notice published under section 6, proceed in the prescribed manner to consider any objections or suggestions received in regard to the scheme.

Power of Collector to reject, or accept, scheme

- 8. (1) The Collector may-
  - (a) reject the scheme referred to in section 7, or
  - (i) reject the scheme reteries to in section 1 or this behalf, accept it with such modifications as he may deem necessary, and shalf determine, in the prescribed manner, the method in which, and the conditions subject to which, the cost of the work shalf be financed and distributed.
- (2) An appeal shall lie to the Commissioner against every order by the Collector under sub-section (1) within thirty days of such order; and the decision of Commissioner thereon shall be limit.

of 1920.] ·

(Application for construction of works and procedure thereon.—Secs. 9-12.)

9. In the case of major schemes, the Collector Procedure shall, as soon as possible after the recipt of the scheme, schemes. Arin addition to the publication required by section 6, pointment refer it to the Commissioner, and the Commissioner shall forthwith appoint a committee, to be constituted in the prescribed manner, with the Collector as Chairman, representing the local authorities and the landowning, cultivating and other interests of the area to which the scheme relates.

10. (1) On the expiry of the period fixed by the committee notice published under section 6. the committee shall exchemise missing the committee shall exchange the committee shall exchange the committee shall exchange the committee shall exchange the committee that the committee is the committee of the committee that the committee is the committee of the commit proceed in the prescribed manner to consider any objections or suggestions in regard to the scheme received by the Collector, and may either accept the scheme with such modifications as it may deem necessary, or reject it.

(2) Whenever a scheme has been accepted by the committee, it shall frame proposals, in the prescribed manner, regarding the method in which, and the conditions subject to which, the cost of the work shall be financed and distributed.

(3) An appeal shall lie to the Local Government against every order by the committee under subsection (1) or (2), within sixty days of such order.

(4) It shall be in the discretion of the Local Government, in the case of any scheme rejected by the committee under sub-section (1), of their own motion, to cancel, or modify such order, and in such case the committee shall be required to frame proposals for financing and distributing the cost of the work as sauctioned by the Local Government, in the manner set out in sub-section (2).

11. When proceedings under section 10 have been committee completed, the committee shall forward the scheme forward scheme to through the Commissioner to the Local Government, for consideration, together with its proposals for financing and distributing the cost thereof.

12. The Local Government shall consider the Order by the Local Government scheme and proposals of the committee, together with on the scheme, any appeals which may have been received under section 10, sub-section (3), and may reject them, or accept them, with such modifications as they may consider necessary; and the order of the Local Government thereon shall be final.

Bon, Act VI

(Application for construction of works and procedure thereon.—Apportionment and recovery of costs.—Secs. 13—17.)

Engineer to execute scheme.

- 13. (1) As soon as possible after a scheme has been accepted under section 8, or section 12, the Collector shall direct the Engineer to execute the work.
- (2) When the cost or part thereof is to be recovered from the landlords and tenants of the local area, the Collector may direct the preparation, or revision, as the case may be, of a record-of-rights of the local area in accordance with the provisions of Chapter X of the Bengal Tenancy Act, 1885 in so far as the same vin may be applicable.

Compulsory acquisition of land needed for the purposes of this Act

- 14. The Local Government may, at the request of the Collector, acquire, under the provisions of the Land Acquisition Act, 1894, any land required for the lotu purposes of this Act.
- "Land" in this section has the same meaning as in clause (a) of section 3 of the Land Acquisition Act. 1894.

Deposit, or security for cost of work.

15. (1) An applicant may at any time be required, and, before any action is taken under section 13, shall be required to deposit, or to give security for, the cost of the work, or such portion thereof as may be payable by him; and all proceedings under this Act shall be stayed until such requisition is complied with.

(2) The cost of the work, or any portion thereof

(2) The cost of the work, or any portion thereof may, in any case, be advanced by the Local Govern-

ment, or by any local authority, or any person.

Power to enter into, or upon, laud forming part of a local trea

16. The Engineer, or any other person duly authorized to prepare a scheme, or to execute any work under this Act may himself, or by his agents and workmen, enter into or npon any land forming part of the local area, and carry out such work thereou as may be required.

## Apportionment and recovery of costs.

Re ort by Engineer on completion of work 17. On the completion of any work executed under this Act, the Engineer shall forthwith submit to the Collector a report accompanied by—

(a) a statement of the items of the cost of the work referred to in sub-clauses (a), (b) and (d) of clause (2) of section 2; and

(b) a copy of the map prepared in the prescribed manner of the local area benefited by the improvement.

of 1920.1

#### (Apportionment and recovery of costs.— ... Secs. 18- -20.)

18. (1) On receipt of the report and other docu- Procedure of report ments required by section 17, the Collector shall-

Procedure on

- (i) prepare a statement showing the total cost of the work:
- (ii) distribute the said cost between-

(a) the applicant,

(b) the Local Government.

- (c) the local authorities concerned, and
- (d) the landlords and tenants collectively of the local area.

in the manner determined under section 8 or 10, and

- (iii) apportion the share of such cost recoverable from the landlords or tenants, or both, or different classes thereof, according to such rates as may be determined in the prescribed manner, having regard, so far as practicable, to the degree of benefit derived. or estimated to be derived by the different areas and classes affected by the scheme.
- (2) The Collector shall publish in the prescribed manner the statement and the particulars referred to in sub-section (1), and a copy of the map submitted under clause (b) of section 17, after such revision as he may deem necessary, and shall send an abstract of the statement and particulars to each local anthority eoncerned.
- (3) Any person interested may appeal to the Commissioner within thirty days of such publication against the order of apportionment under clause (iii) of sub-section (1), and the decision of the Commissioner thereon shall be final.
- 19. The Collector shall then determine the amount recoverable from each landlord or tenant and termine amount enter such amount in a detailed statement.

Collector to depregare detailed statement.

20. (1) On completion of the detailed statement Procedure referred to in section 19, the Collector shall publish a completion of detailed statement. copy of the same in the presembed manner.

(2) Any landlord, or tenant within the local arc; may, if he objects to the amount apportioned against him, appeal to the Commissioner within sixty days

Ben. Act Vi

(Apportionment and recovery of costs .- Miscel. laneous.—Secs. 21-23.)

of the publication of the said statement on one or more of the following grounds, namely :-

- (a) that he will not be benefited by the improvement, or
- (b) that there has been material error in regard to the degree of benefit derived, or estimated to be derived from the improvement, or
- (c) that he holds no land or premises, or has no interest in the land or premises in the local area.
- (3) The order of the Commissioner on any appeal under sub-section (2) shall be fingl.
- (4) The Collector may, on application, or on his own motion, at any time, correct any mistakes in the calculation of the amount apportioned against any landlord or tenant.

Realization of costs due.

21. After the disposal of appeals, if any, under section 20, sub-section (2), the Collector shall confirm the statement, with modifications, if any, and shall proceed in the prescribed manner to recover from the local authority, person landlord or tenant concerned. the amount of the cost due from them.

Recovery arrears as arrears of land-revenue.

arrears shall be recoverable 22. Ali prescribed manner as if they were arrears of landrevenue.

#### Miscellaneous.

Compensation damage.

23. Whenever any land, other than land taken or tor consequential acquired for the purposes of this Act, or any right of fishery, right of drainage, right of the use of water, or other right of property, is injuriously affected by any act done, or any work executed under this Act, the person in whom such property, or right is vested may prefer a claim by petition to the Collector, for compensation:

> Provided that the refusal to execute any work for which application is made, and the refusal of permission to execute any work for the execution of which the permission of the Collector or any other authority is required under this Act, shall not be deemed acts on account of which a claim for compensation can be preferred under this section.

of 1920.]

1894.

#### (Miscellanrous.—Secs. 24—26.)

24. (1) No claim under section 23 shall be en- Limitation to claim for compentertained which is made later than three years after sation the completion of the work by which such right is ininriously affected.

(2) For the purposes of this section, the date of the completion of the work shall be the date of the publication of the statement and particulars referred to in section 18, sub-section (2),

25. When any such claim is made, proceedings shall be taken with a view to determine the amount determining comof compensation, if any, which should be made and repeation the person to whom the same should be payable, so far as possible in accordance with the provisions of the Land Acquisition Act. 1891.1

Procedure for

26. In any such case which is referred by the Collector to the Court for the purpose of determining committee co whether any, and, if so, what amount of compensa- 100000000. tion should be awarded, the Court shall take into consideration-

Matters to be

- First, the market value of the property or right injuriously affected at the time when the not was done or the work executed:
- Secondly, the damage sustained by the elaimant by reason of such act or work injuriously affecting the property or right:
- Thirdly, the consequent diminution of the market value of the property or right injuriously affected when the act was done or the work executed:
- Fourthly, whether any person has derived, or will derive, benefit from the act or work in respect of which the compensation is claimed, or from any work connected therewith, in which case they shall set off the estimated value of such benefit, if any, against the compensation which would otherwise be decreed to such person:

Provided that the Court shall not take into consideration-

First, the degree of nrgeney which has led to the act or work being done or executed:

Secondly, any damage sustained by the claimant. which, if caused by a private person, would not in any suit instituted against such person justify a decree for damages.

<sup>1</sup> General Acts, Vol. IV.

Ben. Act VI

## (Miscellancous .-- Secs. 27-30.)

Additional costs.

27. If, after the apportoinment of the cost of the work as above provided, any expenses not included in such apportionment shall be found to have become payable, on account of the said work, whether as compensation, or otherwise, or if the amount recovered is insufficient to cover the cost of the scheme, the Collector may proceed to distribute, apportion and recover such additional cost, or deficiency; and the procedure set ont in section 18 and the following sections shall then apply.

Drainage works subject to laws relating to public embankments 28. All outlets and water-channels, natural or artificial, included in a scheme nuder this Act, whether reconstructed, cleared, altered, enlarged, excavated or cut under this Act or not, and the construction and maintenance of embankments and dams and works therein, or connected therewith, shall be subject to the law for the time being in force regulating the construction and maintenance of public embankments rivers, channels and outlets.

Lands and works how to be rested 29. All lands which are taken, or acquired permanently under this Act for the purpose of a scheme, and any work constructed under this Act, and all water channels, embankments and dams included within the scheme, whether reconstructed, cleared, altered, enlarged, excavated, or cut under this Act, or not, shall be vested in the Collector on behalf of His Majesty or, subject to such conditions as may be prescribed, in such local authority, or person as the Local Government may, by geogral or special order, direct:

Provided that when the total cost of any work has been paid by any local authority, or person the said lands and works, including any water-channels, embankments and dams, shall, subject to such conditions as may be prescribed, yest in such local authority.

or person.

Maintenarce of works

30. The local authority, or person in whom the lands, or works, water-channels, embankments, and dams, are vested shall be responsible for their maintenance, subject to such rules as may be

prescribed:
Provided that if the Collector is satisfied that such maintenance is being neglected, or that it is desirable, in the public interests, that such maintenance should be undertaken by the Government, he shall report, through the Commissioner, to the Local Government, who may direct that the duty of maintenance be undertaken by the Local Government.

of 1920,]

#### (Miscellancous.—Secs. 31—35.)

31. All sams recovered as the estimated capital Administration cost of the maintenance of works constructed under of capitalized enst this Act shall be administered in the prescribed mauner.

32. (1) Any person who, without lawful anthor- Penalty for conity, erecis, or causes to be creeted, any weir or other strength series obstruction in any ontlet or water-channel, or public drange caltivates the bed of a water-channel, so as to obstruct natural drainage, shall, upon conviction before a Magistrate, he liable to a penalty not exceeding two hundred rances for every such offence.

(2) It shall be in the discretion of such Magistrate to direct any such offender to remove or nay for the entire cost of the removal of any such obstruction.

33. The Commissioner, the Collector, and a com- Commissioner, mittee appointed under section 9 shall have all etc, in taking such powers as are conferred on a Civil Court evidence by the Code of Civil Procedure, 1908, for the purpose of compelling the attendance of witnesses and the production of evidence, and for the purpose of examining witnesses in any luquiry, or appeal, as the ease may be, which they may be empowered to make or entertain under this Act.

34. No proceedings under this Act shall be defeated or invalidated by reason of any defect or omission to be unablasted by megularities. In the publication or service of any notification, notice, or order, unless material injury is done to any person by such defect or omission.

35. (1) The Local Government may, after previous publication, make rules to carry out the Government 1 mposes of this Act.

Power of Local Government

2) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules-

(a) fixing the rate of interest to be paid, and the dates from and to which interest on all recoverable deposits, or advances are to be paid, under sub-clause (e) of clause (2) of

section 2;

(b) fixing the amount of the costs of the work involved in a scheme, in excess of which such scheme shall be deemed to be a major scheme, and prescribing the circumstances under which the Collector may certify a seheme to be a major scheme:

1 General Acts, Vol VI

<sup>2</sup> As to previous publication, see the Bengal General Clauses Act, 1899 (Ben Act I of 1899), s 24
3 For rules under a. 35, see the Bengal Local Statutory Rules and Orders

| Bon. Act VI

## (Miscellaneous. - Sec. 35.)

- (c) prescribing the manner of publication of a notice under section 6, a copy of the final statement of cost and the map nuder section 18, sub-section (2), and a copy of the detailed statement under section 20, subsection (I), and prescribing the time within which objections and suggestions are to be made under section 6:
- (d) prescribing the manner in which the objections or suggestions referred to in section 7 and section 10, sub-section (1), shall be considered:
- (e) prescribing the manner in which a scheme may be modified, if necessary, under section 5, sub-section (2), and clause (b) of subsection (1) of section 8:
- (f) determining the constitution of the committee referred to in section 9, and regulating the conduct of business at meetings of the committee.
- (g) prescribing the manner and conditions for financing and distributing the cost of the work involved in a scheme under section 8, sub-section (1), and section 10, sub-section (2);
- (h) prescribing the manner in which the Engineer shall prepare the map under clause (b) of section 17:
- (i) prescribing the manner in which the Collector shall determine the rates at which the cost of a scheme shall be recoverable under clause (iii) of sub-section (1) of section 18, and the instalments, if any, by which such cost shall be recovered;
- (j) prescribing the manner in which Collector shall recover costs under section 21, and arrears under section 22;
- (k) prescribing the conditions subject to which lands and works shall vest in a local authority, or person under section 29:
- (1) for the maintenance of works under section 30;
- (m) determining the manner in which the sums referred to in section 31 shall be administered;

of 1920,]

#### (Miscellaneous .- Sec. 36.)

- (n) prescribing the forms of accounts, surveys, plans, maps, estimates, statements, and reports;
- (a) regulating the powers and duties of any officer. or person under this Act.

**36.** The following cuactments are hereby repealed, namely :-

Repeal.

- Ben Act Vl of 1880. Ben Act 11 of 1902
- Ben Act VIII of 1895

(a) the Bengal Drainage Act, 1880;

- (b) the Bengal Drainage (Amendment) Act, 1902;
- (c) the Bengal Sanitary Drainage Act, 1895:

Provided that in the case of any scheme, or work which has, at the commencement of this Act, been completed under the Bengal Drainage Act, 1880, or the Bengal Sanitary Drainage Act, 1895, the costs of such scheme, or work shall be recoverable in accordance with the provisions of those Acts, as if this Act had not been passed:

Provided also that any scheme, or work of whatever nature commenced under either of the aforesaid Acts. and not completed before the commencement of this Act, shall, so far as it is not inconsistent, be deemed to have been commenced under this Act.



#### BENGAL ACT No. VII OF 1920.

# THE CALCUTTA PORT (AMENDMENT) ACT, 1920.

## CONTENTS.

#### PREAMBLE.

### SECTION.

- 1 Short title and commencement.
- Amendment of sections 5, 41, 47 and 53 of Bengal Act III of 1890.
- 3. New section substituted for section 8-
  - 8. Appointment of nominated Commissioners, Chairman and Deputy Chairman.
- 4. New section substituted for section 9-
  - 9. Term of office of Chairman and Deputy Chairman.
- 5. New section substituted for section 11-
  - Salary and allowances of Chairman and Deputy Chairman, and fees payable to Commissioners for attendance at meetings.
- Amendment of sections 12, 13, 13A, 20A, 69 and 74.
- Amendment of section 17.
- Amendment of sections 32 and 50.
- 9. Amendment of section 34.
- 10. Amendment of section 42.
- 11. New section 42A-
  - 42A Charman to be whole-time officer.
- 12. New section 47A-
  - 47A. Powers and duties of Deputy Chairman,



#### BENGAL ACT No. VII OF 1920.

## [THE CALCUTTA PORT (AMENDMENT) ACT, 1920,74

[27th October, 1920.]

An Act further to amend the Calcutta Port Act. 1890.

Preamble

Whereas it is expedient further to amend the Calcutta Port Act, 1890,2 in the manner hereinafter Ben. Act III appearing;

It is hereby enacted as follows:-

f 1890

- 1. (1) This Act may be called the Calcutta Port commencement. (Amendment) Act, 1920.
- (2) It shall come into force on such date as the Local Government may, by notification in the Calcutta Gazette, direct.
- 2. In sections 5, 41, 47 and 53, sub-section (1), of amendment of the Calcutta Port Act. 1890 (hereionafter called the and 35 of benşal said Act), for the word "Vice-Chairman," wherever it occurs, the words "Deputy Chairman" shall be substituted.

3. For section 8 of the said Act, the following shall be substituted, namely: -

New section substituted section 8

- "8. (1) The nominated Commissioners shall be appointed by the Local Govern-Appointment of nominated Commissioners, Chairman and Deputy Chairman ment bv notification in Calcutta Gazette.
- (2) The Chairman shall be appointed by the Local Government, after consultation with the Commissioners, by notification in the Calcutta Gazette.
- (3) The Deputy Chairman shall be appointed by the Commissioners at a special meeting to be held for the purpose; and such appointment shall be subject to the approval of the Local Government."
- 4. For section 9 of the said Act, the following shall be substituted, usingly :-

New section substituted eestion 9

"9. (1) The Chairman shall continue to hold office until he resigns, or the Local Term of office of Chairman Government cancels his appointand Deputy Chauman ment, or appoints a successor.

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons see Cultesta Gazette, 1920, Pr. IV., p. 101, and lor Proceedings in Goosel see slied, Pr. IVA., pp. 864800, as d 312, 813.
<sup>2</sup> Bengal Cole, Vol. II. The Act Lass lot leen further areas del by the Calcutta Park, and the Calcutta Park, p. 102, pp. 102, pp. 103, pp. 103 Calcutta Garette, 1001, It 1, p 6:9

TBen. Act VII

## (Secs. 5-9.)

(2) The Deputy Chairman shall continue to hold office until he resigns, or the Commissioners, with the approval of the Local Government, cancel his appointment, or appoint a successor."

New section substituted for section II 5. For section 11 of the said Act, the following shall be substituted, namely:—

Salary and allowances of Chairman and Deputy Chairman, and fees payable to Commissioners for attendance at meetings

- "11. (1) The Chairman shall receive such salary and allowances as may be fixed by the Local Government.
- (2) The Deputy Chairman shall receive such salary and allowances as may from time to time be fixed by the Commissioners in meeting with the approval of the Local Government
- (3) The Local Government may determine whether any and what fees shall be paid to the Commissioners other than the Chairman and the Deputy Chairman for attendance at meetings for the transaction of the business of the Trust.
- (4) The payment of any salary, allowances, or fees referred to in sub-section (1), (2) or (3) shall be subject to such conditions and restrictions as may be fixed by the Local Government."

Amendment of sections 12, 13, 13A, 20A, 69 and 74. 6. In sections 12, 13, 13A, 20A, 69, sub-section (1), and 74 of the said Act, for the word "Vice-Chairman," wherever it occurs, the word "Chairman" shall be substituted.

Amendment of section 17

- 7. In section 17 of the said Act-
- (1) after the words "every person" where they first occur, the words "other than the Chairman or Deputy Chairman" shall be inserted,
- (2) after the words "and every" in clause (a) the the word "such" shall be inserted, and
- (3) the words "except the office of Vice-Chairman" in clause (a) are hereby repealed.

Amenament of sections 32 and 50

- 8. In sections 32 and 50 of the said Act, for the word "Vice-Chairman" the words "Chairman or the Deputy Chairman" shall be substituted.
- Amendment of S. In section 31, sub-section (1), before the word "Secretary" the words "Deputy Chairman" shall be inserted.

# THE CALCUTTA PORT (AMENDMENT) ACT, 1920.

of 1920.]

## (Secs. 10-12.)

10. In scetion 42 of the said Act-

Amendment of section 42.

- (a) for the words "or Vice-Chairman" the words "and the Deputy Chairman," and
- (b) for the word "Vice-Chairman" in the remaining two places where it occurs, the words "Deputy Chairman"

shall be substituted.

- 11. After section 42 of the said Aet, the following  $_{12A}^{\rm New}$  shall be inserted, namely :—
- "42A. While any person is holding the office of Chairman to be whole-timeofficer.

  to any exceptions permitted by the Local Government, shall devote his whole time and attention to his duties under this Act."
- 12. After section 47 of the said Act, the following New section shall be inserted, namely:—
- "47A. In addition to any powers or daties conpowers and duttes of ferred or imposed on the Deputy
  Chairman hy any other provision
  of this Act or hy any rule, hy-law or order made hereunder, the Deputy Chairman shall exercise such of
  the powers and perform such of the duttes of the
  Chairman as the Commissioners in meeting may,
  subject to the approval of the Local Government, from
  time to time, direct."

#### BENGAL ACT No. VIII OF 1920.

## [THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) ACT, 1920.]1

[3rd November, 1920.]

An Act to constitute a Bengal Provincial Branch of the Indian Red Cross Society.

WHEREAS it is expedient to provide for the Inture administration of various moneys, properties and gifts received in Bengal from the public during the late war, for the purpose of me lical and other aid to sick and wounded and for comforts to troops and other purposes, and now hold by or in trust for "The Ludy Carmichael's Bengal Women's War Fund and 'Our Day' Fund (Bengal Branch)";

AND WHEREAS it is expedient to constitute a Bengal Provincial Branch of the Indian Red Cross Society to continue and extend the work carried on during the war by "The Lady Camichael's Bengal Women's War Fund and 'Our Day' Fund (Bengal Branch)";

It is hereby enacted as follows :-

- 1. This Act may be called the Indian Red Cross Short tule. Society (Bengal Branch) Act, 1920.
- 2. There shall be constituted in Bengal by this Scenty Act a society known as the Bengal Provincial Branch of the Indian Red Cross Society (hereinafter called the Society). The first members thereof shall be appointed either by name or by office, by the Governor of Bengal. They shall be in number not less than twenty-five or more than fifty.

Constitution of

3. The first members of the Society so appointed and all persons who may hereafter become members thereof, so long as they continue so to be, are hereby constituted a body corporate under the name of the Bengal Provincial Branch of the Indian Red Cross Society, and the said body shall have perpetual succession and a common seal with power to hold and acquire property, movable and immovable, and shall sue and be sined by the said name.

Incorporation.

<sup>&</sup>lt;sup>1</sup>For Statement of Objects and Reasons, see Calcutta Gazette, 1979, Pt. 1V., pp. 83 and 84, and for Proceedings in Council see the d, Pt. 1VA, pp. 678-679, and p. 802 and pp. 943-914

Ben. Act VIII

## (Secs. 4-6.)

Appointment of Managi Body.

4. As soon as conveniently may be after their Managing appointment, the first members of the Society shall, at a meeting to be summoned by the Governor of Bengal and held for that purpose, appoint persons from among themselves to be the first members of the Managing Body. The number of members of the Managing Body shall not be less than six or more than twelve.

Dissolution and transfer of pro-Carmichael's Bengal Women's War Fund and "Out Day" Fund (Bengal Branch)

- Upon the appointment of the Managing Body,-
- (a) the Committees of the Lady Carmichael's Bengal Women's War Fund and "Our Day" Fund (Bengal Branch), shall be dissolved;
- (b) all property, movable or immovable, of, or belonging to, the said Funds or held in trust for them, shall vest in the Society, and be applied by the Managing Body of the Society to the objects and purposes hereinafter set out: and
- (c) all the debts and liabilities of the said Funds shall be transferred to the Society and shall thereafter be discharged and satisfied by it out of the aforesaid property, and each and every member of the Committees of the said Funds shall be wholly discharged therefrom.

Powers to make rales

- 6. (1) The Managing Body shall, within six months from the commencement of this Act, make rules for the management, control and procedure of the Society. Such rules may among other matters provide for the following, namely :-
  - (a) the conditions of membership of the Society.
  - (b) the appointment and term of office of the Managing Body.
  - (c) the constitution of Finance, Medical and other Committees and the delegation of powers to them, and
  - (d) the regulation of the procedure generally of the Society and Managing Body.
- (2) Such rules shall, on being approved at a general meeting of the members of the Society, be held to be binding on every member thereof:

of 1920.]

### (Sec. 7.)

Provided that the Managing Body may, from time to time, make such further rules as may be found necessary, and such rules on being approved at a general inceting of the Society shall be hinding on every member thereof.

7. Notwithstanding anything contained in any Purposes to appeal for subscriptions or gifts to or for the purposes of the Society of the said Funds, the Managing Body may in its may be applied discretion apply-

- (a) either the corpus or the income or any part of such cornus or income of any property vested in it under clause (b) of section 5 for the relief of sickness, suffering or distress caused by the operation of war in India or in any other country in which Expeditionary Forces from India may from time to time be employed, and for purposes cognato to that object, and in maintaining Red Cross Denôts for military purposes:
- (b) the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering in India, whether due to the operation of war or not. or in pursuance of any of the following objects, namely :--
  - (1) the care of sick and wounded of His Majesty's Forces, whether still on the active list or demobilized:
  - (2) provision of comforts and assistance to members of His Majesty's Forces, whether on the active list or demobilized:
  - (3) the care of those suffering tuberculosis, having regard in the first place to soldiers and sailors. whether they have contracted the disease on active service or not:
  - (4) work parties to provide the necessary garments, etc., for hospitals and health institutions in need of them:
  - (5) home service ambulance work:

[Ben. Act VIII of 1920.]

## (Sec. 8.)

- (6) assistance required in all branches of nursing, health and welfare work, ancillary to any organizations which have or may come into being in India and which are recognized by the Society;
- (7) child welfare;
- (8) such other cognate objects as may from time to time be approved by the Society;
- (9) the expenses of management of the Society; and
- (10) the representation of the Society on or at Committees formed for furthering objects similar to those of the Society;

Provided that nothing contained in this section shall prevent the Managing Body from applying any sums received by the Society for a specific purpose to that purpose.

Power to receive other grifts and to distribute funds through other societies.

8. Nothing in this Act shall prevent the Society

(a) receiving gifts of whatever nature to or for all or any of the purposes to which the funds vested in the Society under this Act may be applied under the provisions of section 7:

(b) allocating any funds in its hamis to other societies or associations to be spent by them in furtherance of all or any of the μ riposes to which the funds vested in the Society under this Act may be applied under the provisions of section 7.

### BENGAL'ACT No. I OF 1921.

# (THE DEPUTY-PRESIDENT'S EMOLUMENTS ACT, 1921.)1

[16th March, 1921.]

An Act to determine the salary of the Deputy-President of the Bengal Legislative Council.

Whereas it is expedient to determine the salary of the Deputy-President of the Bengal Legislative Conneil:

It is hereby enacted as follows:-

- 1. This Act may be called the Deputy-President's Short title Emoluments Act. 1921.
- 2. (1) There shall be paid to the Deputy-President of the Bengal Legislative Council from the date of the Deputy President approval by the Governor of his election as Deputy-President a salary at the rate of five thousand tupees a year.

Salary

(2) This salary shall be paid by quarterly instalments.

<sup>&</sup>lt;sup>1</sup>For Statement of Objects and Revsons see Calcutts Gazette 1921, Pt. IV. p. 2. and for Proceedings in Council, see the Bengal Legislative Council Proceedings, 1921, Vol. 1, pp. 66-70, and pp. 337 and 338

#### RENGAL ACT No. II OF 1921.

## THE BENGAL LAND REGISTRATION (AMENDMENT) ACT, 1921.71

[28th September, 1921.]

An Act further to amend the Land Registration Act. 1876.

WHEREAS it is expedient further to amend the Ben Act VII Land Registration Act, 1876,3 in the manner hereinof INT6 after appearing;

It is hereby enacted as follows:-

- 1. This Act may be called the Bengal Land short title Registration (Amendment) Act. 1921.
- 2. At the end of section 70 of the Land Registration Act, 1876, as amended by the Eastern Bengal and Bengal Act Act VII E B. L. A. Assam Land Registration (Amendment) Act. 1907, the of 1876 following shall be added, namely :-

"and no separate account shall be opened on such application until an additional fee at the rate mentioned below is paid by the applicant. namely:-

> for a separate account for which the land-revenue payable does not exceed ten runees ... four runees.

for a separate account for which the land-revenue payable execeds rapees but does not exceed fifty rupees ... ten rupees.

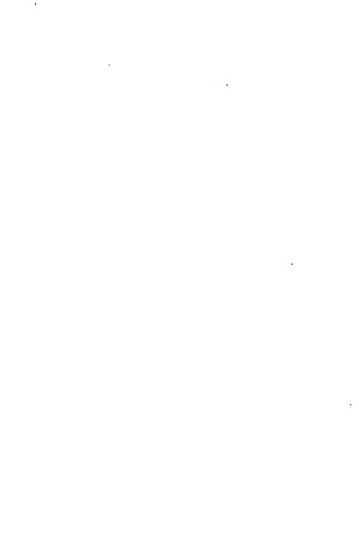
for a separate account for which the land-revenue na vable execeds fifty rupees but does not exceed one lundred rupees ... fifteen rupees.

for a separate account for which the land-revenue payable exceeds hundred rupees ... twenty runees."

Act I of 1907

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, see Calcutta Gazette, 1921, Pt. IV, p. 26, and for Proceedings in Council, see the Bengal Legislative Council Proceedings, 1921, Vol. III. p. 157, and Vol. IV, po. 123-138

Bengal Code, Vol II



## BENGAL ACT No. III OF 1921.

## THE BENGAL PRIMARY EDUCATION (AMENDMENT) ACT, 1921.74

[11th January, 1921.]

An Act to amend the Bengal Primary Education Act, 1919.

Whereas it is expedient to amend the Ben Act IV Primary Education Act, 1919, in the manner hereinafter appearing;

> And whereas the previous sanction of Governor General required by clause (a) of subsection (3) of section 80A of the Government of India Act has been obtained to the passing of this Act:

It is hereby enacted as follows:-

- 1. This Act may be called the Bengal Primary short title. Education (Amendment) Act, 1921.
  - Amendment of In the provise to section I of the Bengal
- Primary Education Act, 1919-(a) after the words and figures "the Bengal Local Self-Government Act of 1885" the words and figures "or under section 5 of the Bengal Village Self-Government Act, 1919."
  - (b) after the words "Union Committee" words "or the Union Board"

shall be inserted.

and

1919

<sup>1</sup> For Statement of Objects and Reasons, see Calcuta Gazette, 1921, Pt. IV, p. 51, and for Proceedings in Council, see the sengal Legislative Council Proceedings, 1921, Vol. V, p. 90

section

Beogal Act IV of

<sup>3</sup> Printed ante, p 107.

### SECTION.

- 19.. Remand or committal to custody.
- 20. Attendance at Court of parent of child or young person charged with an offence, etc.
- Restrictions on punishment of children and young persons.
- Commitment of offenders between twelve and sixteen years of age to reformatory or industrial schools.
- 23. Period of detention.
- Power to discharge youthful offender or to commit him to suitable custody.
- 25. Power to order parent to pay fine, etc.
- Detention in the case of certain crimes committed by children.

## CHAPTER IV.

# Mode of sending neglected children to industrial schools.

- 27. Children liable to be sent to industrial schools.
- 28. Power to commit child or young person to suitable custody.
- Power to Local Government to restore child to parent or relative.
- 30. Care of girls.

## CHAPTER V.

MAINTENANCE AND TREATMENT OF PERSONS IN REFOR-MATORY OR INDUSTRIAL SCHOOLS OR UNDER CUSTODY.

- 31. Contribution of parent.
- 32. Boarding out of children.
- 33. Placing out on license
- 31. Power to order parent to produce a youthful offender or child who refuses to return to a school.
- 35. Penalty for abetting escape of youthful offender or child.
- 36. Discharge and transfer.

### CHAPTER VI.

#### MISCELLANDOUS.

#### SECTION.

- 37. Juvenile Courts.
- 38. Presumption and determination of age.
- 39. Provision as to religious persuasion.
- 40. Penalty for erucity to child or young person.
- 41. Penalty for causing, encouraging or abetting seduction or prostitution of young girl.
- 42. Penalty for taking pawn from a child.
- 43. Authority of persons having custody of child or young person.
- 44. Custody of youthful offenders, young persons and children in places of detention.
- 45. Inspection of justitutions for poor children.
- 46 Procedure in respect of bonds.
- 47. Removal of disqualification attaching to convictions of offences,
- 48. Rules.
- 49. Appeal.
- 50. Revision.

### BENGAL ACT No. II OF 1922.

## (THE BENGAL CHILDREN ACT, 1922.)

[29th March, 1922.]

An Act to make further provision for the custody, trial and punishment of youthfut offenders and for the protection of children and noung persons.

Preamble.

WHEREAS it is expedient to provide further for the enstody, trial and punishment of youthful offenders and for the protection of children and young persons;

And whereas the previous sanction of the Governor General has been obtained, under section 80A, subsection (3), of the Government of India Act. to the ye. estad f, passing of this Act; oco. y. e 37; passing of this Act; y. a. ic. Oco. It is hereby enacy, e. 104.

It is hereby enacted as follows :-

## CHAPTER 1.

## PRULIMINARY.

1. (1) This Act may be called the Bengul Children commencement Act, 1922.

title and local extent.

(2) It shall come into force fin whole or in part. on such date as the Local Government may, by notification in the Calcutta Gazette, direct fand for this purpose different dates may be appointed for different provisions of this Act and for different parts of the area defined in sub-section (3)],

(3) Subject to the provisions of section 27, this Act extends in the first instance to the town of Calentia.

Ben Act IV of 1866.

ol 1866 XV of 1908

5 & 6 Oco

as defined in section 3 of the Calcutta Police Act, 1866. the suburbs of Calcutta as delined by notification under section 1 of the Calcutta Suburban Police Act. Ben. Act 11 18664, the port of Calcutta us defined by notification under section 5 of the Indian Ports Act, 1908, and the Municipality of Howiah, but the Local Government may, by notification in the Calcutta Gazette, extend it to any other town or place in Bengal.

VIII of 1897.

2. The Reformatory Schools Act, 1897, with the exception of section 15 thereof, shall be deemed to be repeated-

Repeal of Act VIII of 1897

(a) in the area to which this Act extends in the first instance under the provisions of section 1, sub section (3), from the date of the commencement of this Act, and

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, see Calcutta Gazette, 1921, Pt IV, p. 21, and for Proceedings in Council, see the Bengal Legaliative Council Proceedings, 1921, Vol. III, pp. 151-156, and Vol. IV, p. 123, and also Vol. VII, No. I, 1922, pp. 22-107 and 135-162.

ann 195-197.

\* These words in square brackets were unserted by the Bengal Children (Amendment) Act, 1923 (Ben Act V of 1923), 8.2, post, p. 805

ment) Act, 1923 (Ben Act V of 1923), 8.2, post, p. 805

\* Bengal Code, Vol II

\* General Acts, Vol VI

\* General Acts, Vol VI

\* General Acts, Vol VI

[Ben. Act II

# (Chapter I.—Preliminary.—Secs. 3, 4.)

(b) in any other town or place to which this Act may hereafter be extended under section 1, sub-section (3), from the date of such extension.

Definitions.

- 3. In this Act, unless there is anything repugnant in the subject or context,—
- (1) "child" means a person under the age of fourteen years, and when used in reference to a child sent to an industrial school it applies to that child during the whole period of detention, notwithstanding that the child attains the age of fourteen years before the expiration of that period;
- (2) "guardian" in relation to a child, young person, or youthful offender, includes any person who, in the opinion of the Court having cognizance of any case in relation to the child, young person, or youthful offender, or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender:

(3) "industrial school" means an industrial school established or certified by the Local Government under section 6:

(4) "prescribed" means prescribed by rules under this Act:

- (b) "reformatory school" means a reformatory school established or certified by the Local Government under section 6:
- (6) "young person" means a person who is fourteen years of age or npwards and under the age of sixteen years; and
- (7) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment, and who at the time of such conviction was under the age of sixteen years.

Jurudiction.

- 4. The powers conferred on Courts by this Act shall be exercised only by-
  - (a) the High Court,
  - (b) a Court of Session,
  - (c) a Court of an Additional Sessions Judge and of an Assistant Sessions Judge,
  - (d) a Juvenile Court constituted under this Act.
  - (c) a District Magistrate,

of 1922.]

## (Chapter I,-Preliminary.-Chapter II.-Reformatory and industrial schools.—Secs. 5, 6.)

- (t) a Sub-divisional Magistrate,
- (g) a Presidency Magistrate,
- (h) a Magistrate of the first class.
- (i) any Magistrate of the second class specially empowered by the Local Government to exercise all or any of such powers.

and may be exercised by such Courts whether the case comes before them originally or in appeal or revision.

- 5. (1) When any Magistrate not empowered to Procedure when pass an order under this Act is of opinion that a child Magistrate is not or young person brought before him or convicted by empowered to him is a proper person to be sent to a reformatory or under this Act industrial school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion, and submit his proceedings and forward the child or young person to the nearest Juvenile Court or Court of a Magistrate having authority to exercise powers under this Act and having jurisdiction in the case.
- (2) The Court to which the proceedings are submitted under sub-section (I) may make such further inquiry (if any) as it may think fit and may make such order dealing with the case as such Court might have made if the child or young person bad originally been brought before it.

#### CHAPTER II.

#### REFORMATORY AND INDUSTRIAL SCHOOLS.

6. (1) The Local Government may establish and maintain reformatory and industrial schools for the and certification of school reception of youthful offenders and children who may be sent there in pursuance of this Act.

Establishment

(2) The Local Government, ou the application of or with the consent of the managers of any reformatory or industrial school not established under subsection (1), may certify that such reformatory or industrial school is fit for the reception of youthful

Ben, Act I.

(Chapter II.—Reformatory and industrial schools.— Secs. 7-9.)

offenders or children to be sent there in pursuance of this Act; and may pay to the managers of such school such contributions as the Local Government may think fit for the maintenance thereof.

Management of school:

- 7. (1) For the control and management of every reformatory or industrial school established under section 6, sub-section (1), a superintendent and a committee shall be appointed by the Local Government, and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.
- (2) Every school certified under section 6, subsection (2), shall be under the management of such persons as may be approved by the Local Government, and the persons so approved shall be deemed to be the managers of the school for the purposes of this Act.
- (3) Where girls and boys are accommodated in any reformatory or industrial school, the accommodation provided for girls shall be in a separate building and compound.

Irspection of

- 8. (1) The Local Government may appoint a chief inspector of reformatory and industrial schools and so many inspectors and assistant inspectors as they think fit to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Local Government direct, but shall act under the direction of the chief inspector.
- (2) Every reformatory and industrial school shall, at least once in every six months, be inspected by the chief inspector, or by an inspector or assistant inspector;

Provided that when any such school is for the reception of girls only and such inspection is not made by the chiof inspector. the inspection shall, when practicable, be conducted by a woman.

l'ower of nepectors; 9. The chief inspector, or an inspector, or an assistant inspector authorized in that behalf by the chief inspector, may, at any time, enter and inspect any reformatory or industrial school in all its departments. of 1922.]

### (Chapter II.-Reformatory and industrial schools -Secs. 19-13.

10. Any qualified medical practitioner empowered in this behalf by the Local Government may visit any reformatory or industrial school at any time. with or without notice to its managers or other person in charge thereof, in order to report to the chief inspector on the health of the inmates and the sanitary condition of the releval:

Provided that, in the case of a school for girls, only such practitioner shall, when practicable, be a women,

The Local Government, if dissatisfied with the condition, rules, management, or superintendence withdraw certiof a certified school, may, at any time, by notice ficate, served on the managers of the school, declare that the certificate of the school is withdrawn as from the time specified in the notice, and, at that time, the withdrawal of the certificate shall take effect, and the school shall cease to be a certified school:

Provided that the Local Government may, if they think fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of youthful offenders or children to the school for such time as may be specified in the notice. or until the notice is revoked :

Provided also that before the issue of notice under this section or under the first proviso thereto a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited, as the case may be.

12. The managers of a certified school, on giving six months' notice in writing to the Local Government, through the chief inspector, of their intention so to do, may resign the certificate of the school, and, accordingly, at the expiration of six months from the date of the receipt of the notice by the chief inspector (unless before that time the notice is withdrawn), the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

13. No youthful offender or child shall be received into a certified school in pursuance of this Act after withdrawal the date of the receipt by the managers of the school certificate of a notice of withdrawal of the certificate for the school, or after the date of the issue of a notice of resignation of the certificate; but the obligation of

Medical Inc.

Power of Local Government to

Resignation certificate

[Ben. Act II

(Chapter II.—Reformatory and industrial schools.—)

Secs. 14—16.)

the managers of the school, mentioned in section 16, to teach, train, lodge, clothe and feed any youthful offenders or children demined in the school at the respective dates aforesaid shall, except so far as the Local Government otherwise direct, continue until the withdrawal or resignation of the certificate takes effect.

Disposal of inmates when school ceases to be certified.

14. When a school ceases to be a certified school the youthful offenders or children detained therein shall, by order of the Local Govornment, be discharged absolutely or on such conditions as the Local Government may impose or be transferred to some other reformatory or industrial school or auxiliary home in accordance with the provisions of this Act.

Auxiliary homes 15. The Local Government may establish anxiliary homes for the reception of any inmates or any classes of immates of reformatory or industrial schools, or may certify any other such home established before or after the passing of this Act by any other persons, and the certificato may be withdrawn or resigned in like manner as a certificate of a reformatory or industrial school; and every such home shall, for such purposes as may be specified by the Local Government, be treated as part of the school or schools to which it is attached.

Liabilities managers. 16. The managers of a certified school may decline to receive any youthful offender or child proposed to be sent to them in pursuance of this Act, but when they have once accepted any such offender or child, they shall be deemed to have undertaken to teach and train and, further, if the school is residential, to lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school takes effect:

Provided that the Local Government may, on an application made in that behalf by the managers of a certified school, arrange for the transfer of such offender or child to any other reformatory or indus-

of 1922.3

(Chapter III.- I outhful offenders.-Secs. 17-19.)

### CHAPTER III.

#### YOUTHFUL OFFENDERS.

17. When a person apparently under the age of sixteen years is arrested and cannot be brought forthwith before a Court, the officer in charge of the policestation to which such person is brought may in any case and chall, unless the charge is one of culpable homicide or any other offence punishable with death or transportation, release bim on bail, with or without sureties:

Batl of child or young person,

Provided that when a girl apparently under the ago of eixteen years is arrested, the officer in charge of a police-station who has made the arrest, or before whom the girl has been produced, chall release ber at once if any person, who in his opinion is a sufficient surety, enters into a bond for such sum of money as the officer considers sufficient, to produce her before the Court and to appear in her stead, if required, at the police-station.

(1) When a person apparently under the age of elxteen years having been arrested is not released on bail as provided in section 17, the officer in charge leased on bail of the polico-station shall cause him to be detained in a place other than a police-station or jail in the prescribed manner, nutil be can be brought before a Con rt.

Custody child or y

- (2) No police-officer shall, however, detaln in custody any such person for a longer period than is reasonable under all the circumstances of the case: and such period shall not, in the absence of a special order of a Court, exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the Court.
- 19. A Court, on remanding or committing for trial a child or young person who is not released on committal bail as provided in section 17, shall, instead of committing bim to prison, order him to be detained in a place other than a polico-station or jail in the prescribed manner, for the period for which be is remanded.

to

Ben. Act II

# (Chapter III - Youthful offenders, - Secs. 20, 21.)

Attendance at person char ed with an offence,

- 20. (1) When a child or young person is charged Court of parent with any offence, or when a child is brought before a of child or young Court on an application for an order to send him to Court on an application for an order to send him to an industrial school, his parent or gnardian may, in any case, and shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the Court is a child, be required to attend at the Court before which the case is heard, during all the stages of the proceedings, unless the Court is satisfied that it would be unreasonable to require his attendance.
  - (2) When the child or young person is arrested, the officer in charge of the police-station to which he is brought shall forthwith inform the parent or guardian, if he can be found, of such arrest, and shall also cause him to be warned to attend at the Court before which the child or young person will appear.
  - (3) The parent or guardian, whose attendance is required under this section, shall be the parent or guardian having the actual possession and control of the child or young person:

Provided that if the parent or guardian is a person other than the father, the attendance of the father or, if the tather is dead or cannot be found, the attendance of the nearest adult male relative may also be required.

- (4) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was, before the institution of the proceedings, removed from the custody or charge of his parent by an order of a Court.
- (5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child or young person, if such mother or female gnardian does not, according to the customs and manners of the country, appear in public, but any such person may appear before the Court by a pleader or agent.

Restrictions on unlehment young persons

21. Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation or imprisonment or committed to prison in default of payment of a flue or in default of furnishing security:

of 1922,1

(Chapter III.—Youthful offenders.—Sec. 22.)

Provided that a young person may be sentenced to imprisonment or committed to prison as aforesaid when the Court certifies that he is of so unruly or so deprayed a character that he is not a fit person to be sent to a reformatory school and that none of the other methods in which the ease may legally be dealt with is suitable.

MODE OF SENDING YOUTHFUL OFFENDERS TO BEFORMA-TORY OR INDUSTRIAL SCHOOLS.

22. (1) When a youthful offender, who in the Commitment of offenders between eninion of the Cenrt before which he is charged is twelve and sixtwelve years of age or upwards, is convicted of an offence punishable with transportation of imprison-industrial schools ment, the Court may, in addition to or in lied of sentencing him according to law to any other punishment, order that he be sent to a refermatory school:

Previded that when the effender is ordered to be sent to a refermatery school he shall not in addition he sentenced to imprisenment.

- (2) When a youthful effender of twelve years of age er npwards has been sentenced to transportation or imprisenment, the Local Government may direct that. in lieu of undergoing or completing such sentence. he shall be sent to a reformatery school; and thereupon the offender shall be subject to all the previsions of this Act as if he had been originally sentenced to detention in a refermatory school.
- (3) When a youthful offender, who in the opinion of the Court before which he is charged is under twelve years of age, is convicted of an offence punishable with death, transportation or impresonment, the Court may order that he he sent to an industrial school.
- (4) When a youthful offender of the age of twelve or thirteen years, who has not previously heen convicted, is convicted of an offence punishable with transportation or imprisonment, Court is satisfied that the youthful offender should he sent to an industrial school, but, having regard to the special circumstances of the case, should not be sent to a reformatory school, and is also satisfied that the character and autecedents of the youthful offender are such that he will not exercise an evil

[Ben. Act II

(Chapter III.—Youthful offenders.—Secs. 23, 24.)

influence over the other inmates of an industrial school, the Court may order the youthful offender to be sent to an industrial school after previously ascertaining that the managers are willing to receive him.

Provided that the Local Government may, on the application of the managers of the industrial school, by order, transfer the youthful offender to a reformatory school.

(5) When a young person has been ordered by a Court to give security under section 106 or section 118 of the Code of Criminal Procedure, 1898, and has failed to do so, the Court which made the order may order such young person to be sent to a reformatory school.

Period of deten-

- 23. Every order, in pursuance of which a youthful offender or child is sent to a reformatory or industrial school, shall specify the time for which the youthful offender or child is to be detained in the school, being—
  - (a) in the case of a youthful offender sent to a reformatory school, not less than two and not more than five years, but not in any case extending beyond the time when the youthful offender will, in the opinion of the Court, attain the age of eighteen years; and
  - (b) in the case of a child sent to an industrial school, such time as to the Court may seem proper for the teaching and training of the child, but not in any case extending beyond the time when the child will, in the opinion of the Court, attain the age of sixteen years.

OTHER WAYS OF DEALING WITH YOUTHFUL OFFENDERS.

Power 10 discharge youthful offender to he detained of commit him to tecting any youthful offender to be detained in a commit him to reformatory or industrial school, order him to be—

(a) discharged after due admonition, or

(b) committed to the enstedy of his parent or guardian or any adult relative, or failing any such person, or if any such person is found unfit by the Court, then to the of 1922.]

(Chapter III.-Youthful offenders.-Secs. 25, 26.)

enstedy of any trustworthy and respectable person, on such parent, gnardian, relative or person executing a bond, with or without sureties, as the Court may require, to be responsible for the good behaviour of the youthful offender for any neriod not exceeding twelve mouths.

and the Court may, in addition to such order, make an order that the youthful offender be placed under the supervision of a person to be named by the Court.

25. (1) When a child or young person is convicted of an offence punishable with flue and the Court is parent to pay of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the Court may, in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the Court is satisfied that the parent or gnardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to order

(2) An order under this section may be made against a parent or guardian who, having been regulred to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or gnardian an opportunity of being heard.

(3) Any order directing that a parent or guardian shall pay a fine under this section may be enforced as though it were an order passed under the Code of

Act v of Criminal Procedure, 1898 1828

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself,

26. (1) When a child is convicted of an offence of so serious a nature that the Court is of opinion that the case of certain no punishment which under the provisions of this by children. Act it is authorized to inflict is sufficient, the Court shall order the offender to be kept in safe custody in such place or manner as it thinks fit, and shall report the case for the orders of the Local Government.

(2) Notwithstanding the provisions of section 21, the Local Government may order any such child to be detained in such place and on such conditions as they think fit, and whilst so detained the child shall be deemed to be in legal custody:

[Ben. Act II

Chapter IV.—Mode of sending neglected children to industrial schools.—Sec. 27.)

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the ohild could have been sentenced for the offence committed:

Provided also that at any time during the period of such detention the Local Government may, if they think fit, direct that in lieu of such detention the youthful offender be kept in a reformatory school until he has attained the age of eighteen.

## CHAPTER IV.

## MODE OF SENDING NEGLECTED CHILDREN TO INDUSTRIAL SCHOOLS.

- Children hable to be sent to ment may, by notification in the Calcutta Gazette, undustrial schools direct that this section or any portion of it shall apply, a Court having jurisdiction under this Act—
  - (i) upon receiving a petition in this behalf, or
  - (ii) upon a police report, or
  - (iti) upon its own knowledge or suspicion, may, either by a sammons to the parent or guardian of a child apparently under the age of fourteen years or by a warrant to be excented by a police-officer not below the rank of sub-inspector or by some other person authorized by the Local Government in this behalf, order the production of such child on such a day as may be specified in the summons or warrant if the Court has reason to believe that the child—
    - (a) lives by begging: or
  - (b) is destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing transportation or imprisonment; or
  - (c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or
  - (d) is under the care of a parent or guardian who habitually neglects or cruelly ill-treats the child; or

of 1922.]

# (Chapter IV.—Mode of sending neglected children to industrial schools.—Sec. 27.)

- (c) frequents the company of any reputed thief or prostitute; or
- (f) is living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child.
- (2) In any such area, any person authorized by the Local Government in this behalf may bring before a Juvenile Court or Court of a Magistrate having jurisdiction under this Act any child apparently under the age of fourteen years who—
- (a) is found in any street or place of public resort begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), or being in any such street or place for the purpose of so begging or receiving alms; or
- (b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship; or
- (c) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing transportation or imprisonment; or
- (d) frequents the company of any reputed thief or prostitute; or
  - (c) lives in honses of ill-fame; or
  - (f) is subject to cruel treatment;

and the Court before which a child is brought as coming within one of those descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further. Its a date for such inquiry.

(3) On the date fixed for the production of the child under sub-section (1) or for the inquiry under sub-section (2), or on any subsequent date to which the proceedings may be adjourned, the Court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to an industrial school should not be passed and make any further inquiry it thinks fit.

[Ben. Act II

Chapter IV.—Mode of sending neglected children to industrial schools.—See, 27.)

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed:

Provided also that at any time during the period of such detention the Local Government may, if they think fit, direct that in lieu of such detention the youthful offender be kept in a reformatory school until he has attained the age of eighteen.

## CHAPTER IV.

MODE OF SENDING NEGLECTED CHILDREN TO INDUSTRIAL SCHOOLS.

children hable to be sent to ment may, by notification in the Calcutta Gaestle, apply, a Court having jurisdiction under this Aot—

- (i) upon receiving a petition in this behalf, or
- (ii) upon a police report, or
- (iii) upon its own knowledge or suspicion, may, either by a summons to the parent or guardian of a child apparently under the age of fourteen years or by a warrant to be executed by a police-officer not below the rank of sub-inspector or by some other person authorized by the Local Government in this behalf, order the production of such child on such a day as may be specified in the summons or warrant if the Court has reason to believe that the child—
  - (a) lives by begging: or
- (b) is destitute, not being an orphan and having both parents or his surviving parent, or in the cuse of an illegitimate child his mother, undergoing transportation or imprisonment; or
- (c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or
- (d) is under the care of a parent or guardian who habitually neglects or cruelly ill-treats the child; or

of 1922.]

(Chapter IV.—Mode of sending neglected children to industrial schools.—Sec. 27.)

(e) frequents the company of any reputed thief or prostitute; or

- (f) is living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child
- (2) In any such area, any person authorized by the Local Government in this bohalf may bring before a Juvenile Court or Court of a Magistrate having jurisdiction under this Act any child apparently under the age of fourteen years who—
- (a) is found in any street or place of public resort begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), or being in any such street or place for the purpose of so begging or receiving alms; or

(b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not

exorcise proper guardianship; or

(c) is found destitute, not being an orphan and having both parents or bis surviving parent, or in the case of an illegitimate child his mother, undergoing transportation or imprisonment; or

(d) frequents the company of any reputed thief or

prostitute; or

- (e) lives in houses of ill-fame; or
- (f) is subject to cruel treatment;

and the Court before which a child is brought as coming within one of those descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child under sub-section (1) or for the inquiry under sub-section (2), or on any subsequent date to which the proceedings may be adjourned, the Court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to an industrial school should not be passed and make any further inquiry it thinks fit.

Ben. Act II

(Chapter IV .- Mode of sending neglected children to industrial schools.—Sec. 28.)

(4) If, after inquiry, the Court is satisfied that it is expedient to send the child to an industrial school, it

shall pass an order to that effect.

(5) If, after inquiry, the Court is satisfied that the child has been living by begging at the instance or for the profit of any person who is a professional keeper of begging children, then the Court may direct such person to appear before it and, after hearing him in his defence, may, in its discretion, direct him to pay towards the cost of the proceedings any amount not exceeding twenty-five rupees, and such cost shall be realizable under the provisions of the Code of Criminal Procedure, 1898, as if it were a fine.

Power to comchild mit roung person to initable custody.

(1) When under this Act a Court is empowered to order a child to be sent to an industrial school, the Court, in lieu of ordering him to be so sent. may make an order for the committal of the child to suitable custody in the prescribed manner, until he attains the age of sixteen years, or for any shorter

period.

(2) Any person authorised by the Local Government in this behalf may bring before a Juvenile Court or Court of a Magistrate having authority to exercise powers under this Act and having jurisdiction in the case any young person apparently of the age of fourteen or fifteen years so circumstanced, that if he were a child, he would come within one or other of the descriptions mentioned in section 27, and the Court, if satisfied, after inquiry in the manner prescribed by section 27, sub-sections (2) and (3), that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner, until he attains the age of sixteen years, or for any sharter veriod.

(3) The Court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a

person to be named by the Court.

I(4) Notwithstanding anything contained clsewhere in this Act, no order shall be passed sending a child to an industrial school, unless the Court is satisfied that accommodation suitable for such child is available.]

General Acts, Vol. V. a This sub-section in square brackets was added to a 28 by the Bengal Children (Amendment) Act, 1923 (Ben. Act V of 1923), a. B. past, p. 805

of 1922,]

(Chapter IV,-Mode of sending neglected children to industrial schools.—Chapter V.—Maintenance and treatment of persons in reformatory or industrial schools or under custody.—Secs. 29—

29. The Local Government, at the request of the Court or on the application of a parent or relative of restorment to the child, may make an order directing the restitution parent or relative. on such emulitions as may be specified in the order of any child, who having been dealt with by a Court under section 27, sub-section (4), has either been sent to an industrial school or committed under section 28. to such parent or relative of the child as the Local Government may select; and the order passed by the Court in respect of such child shall thereupon be deemed to be modified accordingly.

30. If it appears to a Court, on the complaint of any person, that a girl under the age of sixteen years is being treated with crnelty by hor parent or gnardian or that such girl, with the knowledge of her parent or gnardian, is exposed to the risk of seduction or prostitution or living a life or prostitution, the Court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Care of girls

#### CHAPTER V.

MAINTENANCE AND TREATMENT OF PERSONS IN REFORMATORY on INDUSTRIAL SCHOOLS OR UNDER CUSTODY.

31. (1) The Court which makes an order for the Contribution of detention of a youthful offender or child in a reforma- parent tory or industrial school, nr for the committal of a child or young person to snitable eustody under this Act, may nicer the parent or other person liable to maintain the youthful offender, young person or child to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The Court, before making an order under subsection (1), shall inquire into the eirenmstances of the parent or other person liable to maintain the youthful offender, young poison or child, and shall record the evidence, if any, in the presence of tho parent or such other person, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleador.

Ben. Act II

(Chapter V.—Maintenance and treatment of persons in reformatory or industrial schools or under custody.—Secs. 32, 33,)

(3) The persons liable to maintain a youthful offender, young person or child shall, for the purposes of sub-section (1), include, in the case of illegitimacy, his putative father against whom an order under section 488 of the Code of Criminal Procedure, 1898, Act vot has already been passed, or who has been otherwise declared to be the putative father by any competent Court or authority:

Provided that where the youthful offender, young person or child is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the Court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the Court, and such sums shall be applied by him towards the maintenance of the youthful offender, young person or child.

(4) Any order under this section may be enforced the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

Boarding out of children 32. The managers of an industrial school to which a child under the age of eight years is sent may, with the consent in writing of the chief inspector, board the child out with any suitable person until the child reaches the age of ten years, and thereafter for such longer period, with the consent in writing of the chief inspector, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and, when a child is so boarded out, he shall, nevertheless, be deemed, for the purposes of this Act, to be a child detained in the school, and the provisions of this Act shall apply accordingly, so far as possible.

Placing out on

33. (1) When a youthful offender or child is detained in a reformatory or industrial school, the managers of the school may, at any time, with the consent in writing of the chief inspector, by liceuse, permit the youthful offender or child, on such conditions as may be prescribed, to live with any trustworthy and

of 1922.1

(Chapter 1'.-Maintenance and treatment of persons in reformatory or industrial schools or under custody.-Sec. 34.)

respectable person named in the license willing to receive and take charge of him with a view to train him for some useful trade or calling.

(2) Any license so granted shall be in force until revoked or forfeited by the breach of any of the

conditions on which it was granted.

- (3) The managers of the school may, at any time by order in writing, revoke any such license, and order the vonthful offender or child to return to the school. and shall do so at the desire of the person to whom the youthful offender or child is licensed.
- (4) If the youthful offender or child refuses or fails to return to the school, the managers of the school may, if necessary, arrest him, or cause him to ho arrested, and may take him, or cause him to be taken, back to the school.

(5) The time during which a youthful offender or child is absent from a reformatory or industrial school in pursuance of a license under this section shall be deemed to be part of the time of his detention in the seltool:

Provided that, when a youthful offender or child has failed to return to the school on the license being revoked or forfeited, the time which clapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

34. (1) When a license has been revoked or forfeited and the youthful offender or child refuses or fails parent to produce to return to the school, a Court, if satisfied by inform- offender or child ation on eath that there is reasonable ground for who refuses to believing that his parent or grandian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend at the Court on such a day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act or any other law, be liable to a fine not exceeding twenty-five runces.

(2) Any order directing that a parent or guardian shall pay a fine under this section may be enforced as though it were an order passed under the Code of of Criminal Procedure, 1898.

Power to order

Ben. Act II

(Chapter V .- Maintenance and treatment of persons in reformatory or industrial schools or under custody .- Secs. 32, 33.)

(3, The persons liable to maintain a youthful offender, young person or child shall, for the purposes of sub-section (1), include, in the case of illegitimacy, his putative father against whom an order under section 488 of the Code of Criminal Procedure, 1898, Act V of 1893 has already been passed, or who has been otherwise declared to be the putative father by any competent Conrt or authority:

Provided that where the youthful offender, young person or child is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the Court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the Court, and such sums shall be applied by him towards the maintenance of the youthful offender, young person or child.

Act V of

(4) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

Boarding out of children

The managers of an industrial school to which a child under the age of eight years is sent may, with the consent in writing of the chief inspector, board the child ont with any suitable person until the child reaches the age of ten years, and thereafter for such longer period, with the consent in writing of the chief inspector, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and, when a child is so boarded out, he shall, nevertheless, be deemed, for the purposes of this Act, to be a child detained in the school, and the provisions of this Act shall apply accordingly, so far as possible.

Placing out on license.

(1) When a youthful offender or child is detained in a reformatory or industrial school, the managers of the school may, at any time, with the consent in writing of the chief inspector, by license, permit the youthful offender or child, on such conditions as may be prescribed, to live with any trustworthy and of 1922.]

(Chapter V.-Maintenance and treatment of persons in reformatory or industrial schools or under custody.—Sec. 34.)

respectable person named in the license willing to receive and take charge of him with a view to train him for some useful trade or calling.

(2) Any license so granted shall be in force until revoked or forfeited by the breach of any of the

conditions on which it was granted.

(3) The managers of the school may, at any time by order in writing, revoke any such license, and order the youthful offender or child to return to the school, and shall do so at the desire of the person to whom the vonthful offender or child is licensed.

(4) If the youthful offender or child refuses or fails to return to the school, the managers of the school may, if necessary, arrest him, or cause him to be arrested, and may take him, or cause him to be taken, back to the school.

(5) The time during which a youthful offender or child is absent from a reformatory or industrial school in unragance of a license under this section shall be deemed to be part of the time of his detention in the

sehool:

Act V

- Provided that, when a youthful offender or child has failed to return to the school on the heense being revoked or forfeited, the time which clapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.
- 34. (1) When a license has been revoked or forfeited and the youthful offender or child refuses or fails parent to produce to return to the school, a Court, if satisfied by inform. offender or child ation on oath that there is reasonable ground for who refuses to believing that his parent or guardian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend at the Court on such a day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act or any other law, be hable to a fine not exceeding twenty-five runees.

(2) Any order directing that a parent or guardian shall pay a fine under this section may be enforced as though it were an order passed under the Code of

of Criminal Procedure, 1898.1

Power to order

Ben. Act II

(Chapter V.—Maintenance and treatment of persons in reformatory or industrial schools or under custody.—Secs. 32, 33.)

(3) The persons liable to maintain a youthful offender, young person or child shall, for the purposes of sub-section (1), include, in the case of illegitimacy, his putative father against whom an order under section 488 of the Code of Criminal Procedure, 1898, Act of 18 has already been passed, or who has been otherwise declared to be the putative father by any competent Court or authority:

Provided that where the youthful offender, young person or child is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the Court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the Court, and such sums shall be applied by him towards the maintenance of the youthful

(4) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

offender, young person or child.

Boarding of children. 32. The managers of an industrial school to which a child under the age of eight years is sent may, with the consent in writing of the child inspector, board the child out with any suitable person until the child reaches the age of ten years, and thereafter for such longer period, with the consent in writing of the chief inspector, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and, when a child is so boarded out, he shall, nevertheless, be deemed, for the purposes of this Act, to be a child detained in the school, and the provisions of this Act shall apply accordingly, so far as possible.

l'lacing out on license. 33. (1) When a youthful offender or child is detained in a reformatory or industrial school, the managers of the school may, at any time, with the consent in writing of the chief inspector, by liceuse, permit the youthful offender or child, on such conditions as may be prescribed, to live with any trustworthy and

of 1922.1

(Chapter 1'.—Maintenance and treatment of persons in reformatory or industrial schools or under custody.-Sec. 34.)

respectable person named in the license willing to receive and take charge of him with a view to train him for some useful trade or calling.

(2) Any liceuse so granted shall be in force until revoked or forfeited by the breach of any of the

conditions on which it was granted.

(3) The managers of the school may, at any time by order in writing, revoke any such license, and order the youthful offender or child to return to the school, and shall do so at the desire of the person to whom the youthful offender or child is licensed.

(4) If the youthful offender or child refuses or fails to return to the school, the managers of the school may, if necessary, arrest him, or cause him to he arrested, and may take him, or cause him to be taken. back to the school.

(5) The time during which a youthful offender or child is absent from a reformatory or industrial school in pursuance of a license under this section shall be deemed to be part of the time of his detention in the

school:

- Provided that, when a youthful offender or child has failed to return to the school on the beense being revoked or forfeited, the time which clapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.
- 34. (1) When a license has been revoked or forfeited and the youthful offender or child refuses or fails parent to produce to return to the school, a Court, if satisfied by inform offender or child ation on oath that there is reasonable ground for who refuses to believing that his parent or gnardian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend at the Court on such a day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act or any other law, be liable to a fine not exceeding twenty-five rapees.

(2) Any order directing that a parent or guardian shall pay a fine under this section may be enforced as though it were an order passed under the Code of

of Criminal Procedure, 1898.1

Power to order

Ben. Act II

(Chapter V.—Maintenance and treatment of persons in reformatory or industrial schools or under custody—Secs. 35, 36.)

Penalty for abetting escape of youthful offender or child, 35. Whoever-

- (a) knowingly assists or induces, directly or indirectly, a youthful offender or child detained in or placed out on license from a reformatory or industrial school to escape from the school or from any person with whom he is placed out on license; or any child or young person to escape from the person to whose custody he is committed under this Act; or
- (b) knowingly harbours, conceals, or prevents from returning to school, or to any person with whom he is placed out on license, or to the person to whose custody he is committed under this Act, a youthful oftender, young person or child who has so escaped, or knowingly assists in so doing:

shall be liable to imprisonment for a term which may extend to two months or to a fine not exceeding two hundred rupees, or to both.

Discharge and transfer

- 36. (1) The Local Government may, at any time, order a youthful offender or a child to be discharged from a reformatory or industrial school either absolutely or on such conditions as the Local Government approve.
  - (2) The Local Government may order-
  - (a) a yonthful offender or child to be transferred from one reformatory school to another, or from one industrial school to another;

(b) a youthful offender under the age of fourteen years detained in a reformatory school to be transferred to an industrial school:

(c) a young person detained in an industrial school, who is found to be excreising an evil influence over the other inmates of the school or who is guilty of a serious breach of the rules of the school or of escaping from the school, to be transferred to a reformatory school:

Provided that the whole period of the detention of the youthful offender, young person or child shall not be increased by the transfer. of 1922.]

(Chapter VI.—Miscellaneous.—Secs. 37, 38.)

#### CHAPTER VI.

#### MISCELLANEOUS.

37. (1) The Local Government may provide for Juvenile Courts the establishment for any district or other local area of one or more separate Courts for the hearing of charges against children or young persons or of applications for orders or liceuses relating to a child or young person at which the attendance of the child or young person is required.

(2) Where no such separate Court has been established, the Court before which a child or young person is brought shall, unless the child or young person is charged jointly with any other person not being a child or young person, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the Court are held or on different days or at different times from those at which the ordinary sittings are held.

1(3) Notwithstanding auything contained in the

Ben Act II of

Act V of 1898.

Code of Criminal Procedure, 1898, a Juvenile Court established for the suburbs of Calcutta, as defined by notification under section I of the Calcutta Subarban Police Act. 1866, or a Magistrate of the district of the 1866 24-Parganas exercising powers under this Act, may inquire into and try in such place within Calcutta as the Local Government may direct the case of any child or young person who is accused of committing any offence within those suburbs, and such inquiry or trial shall for the purposes of jurisdiction be deemed to be held in the suburbs of Calcutta as so defined.

Any such accused person may be detained, pending trial or on conviction, in any place in Calcutta, which is set apart, under the provisions of this Act or the rules made thereunder, for the reception of children or young persons.]

38. (1) Whenever a person, whether charged with an offence or not, is brought before any Criminal and determination Court otherwise than for the purpose of giving evidence, and it appears to the Court that he is a child or young person, the Court shall make due inquiry as to the age of that person and for that purpose shall

Presumption

(Chapter VI.-Miscellaneous.-Secs. 39, 40.)

take such evidence as may be forthcoming at the hearing of the case, and shall record a finding thereon, stating his age as nearly as may be.

(2) An order or judgment of the Court shall not be invalidated by any subsequent proof that the age of such person has not been correctly stated by the Court, and the age presumed or declared by the Court to be the age of the person so brought before it shall, for the purposes of this Act. be deemed to be the true ago of that person and, where it appears to the Court that the person so brought before it is of the age of sixteen years or upwards, the person shall for the purposes of this Act be deemed not to be a child or young person.

Provision as to religious persuasion

39. (1) In determining the reformatory or industrial school to which a youthful offender or child is to be sent under this Act, the Court shall endeavour to ascertain the religious persuasion to which the youthful offender or child belongs and shall, if possible, select a school in which facilities are afforded for instruction in his religion, and shall pass an order to that effect.

(2) Where a child or young person is committed to suitable custody under this Act, the Court in determining the person to whose custody the child or young person shall be committed shall endeavour in like manner to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion, or a person who gives such undertaking as seems to the Court sufficient that the child or young person shall be brought up in accordance with the religion of such child or young person, and shall pass an order to that effect.

an order to that enect.

(3) Where under section 32 or section 33 a child or a youthful offender is boarded out or is permitted by license to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender, or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or

youthful offender.

40. If any person over the age of sixteen years, who has the enstedy, charge or eare of any child or young person, assaults, ill-treats, neglects, ahandons or exposes such child or young person, or causes such

Penalty for cruelty to child or young person. 01 1922.]

#### (Chapter V1,-Miscellaneous,-Secs, 41-45)

child or young person to be assaulted, ill-treated, neglected, alandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight or hearing or limb or organ of the body, and any mental derangement), that person shall be minishable with imprisonment for a term not exceeding two years or with fine not exceeding two hundred rupees, or with both.

41. If any person having the enstedy, charge or eare of a girl under the age of sixteen years causes or cansing encourages or abets the seduction or prastitution of abiline reduction that girl, he shall be punishable "ith imprisooment program of prostinution of the girl, he shall be punishable "ith imprisooment program." for a term not exceeding two years.

for en.

Penalty

42. If a many broker takes an article in pawn from any child, whether offered by that child on his achild own behalf or on behalf of any other person, he shall be punishable with fine not exceeding one hundred

rupees.

Notwithstanding anything contained to novother law, my person to whose custody a child or custody of child young person is committed under the provisions of or young person. this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his maintenance and protection, and the child or young person shall continue in his enstody notwithstanding that he is claimed by his parent or any other person.

Aulhority

44. (1) A copy of the order or judgment, in pursu-ance of which a youthful offender, young person or expounded of child is committed to custody in a place of detention and children in provided under this Act, shall be delivered with him places of detento the person in charge of the place of detention, and shall be a sufficient anthority for his detention in that place in accordance with the terms thereof.

(2) Any such person shall during such detention and whilst being conveyed to and from the place of detention be deemed to be in legal custody, and, if he escapes, may be arrested without a warrant and be brought back to the place of detention where he was detained.

45. (1) The Local Government may cause any institution for the reception of poor children or young institutions persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of the Government, to be visited and inspected from time to time by persons appointed by the Local Government for the purpose.

Inspection poor children

Ben. Act II

### (Chapter VI.-Miscellaneous.-Secs. 46-48.)

(2) Any person so appointed shall have power to enter the institution and to make a complete inspection thereof and of all papers, registers, and accounts

relating thereto.

(3) Whoever obstructs any person appointed under sub-section (1) in the discharge of his duties, or refuses or wilfully neglects to furnish him with the necessary means of making any entry or inspection, shall be punishable with fine which may extend to fifty rupees.

Procedure 10 respect of bonds

46. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898. shall, so far as may be, apply 1898. to bonds taken under this Act.

Removal disqualitication Victions. Diffences

47. Notwithstanding anything contained in any assuantication other law, the conviction of a child or young person shall not be regarded as a disqualification attaching to a conviction of an offence under such law.

Rules

- 48. (1) The Local Government may make rules? for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules-
  - (a) for the establishment, certification and maintenance of reformatory and iadustrial schools and auxiliary homes;
  - (b) for the iospection of reformatory and industrial schools and auxiliary homes and prescribing the nowers and duties of the chief inspector, and other inspectors;
  - (c) prescribing the powers and duties of the managers of reformatory and industrial schools:
  - (d) regulating the choice of a school:
  - (e) for the boarding out, licensing and supervision of children and young persons :
  - (f) for the contribution by parents and other persons liable to maintain children and young persons;

General Acts, Vol V For rules under section 48, see the Bengal Local Statutory Rules and Orders.

of 1922.}

#### (Chapter VI.—Miscellaneous.—Sec. 48.)

- (y) regulating the disposal and after-eare of the inmates of reformatory and industrial sebools and for the appointment of visitors and their tenure of office;
- (h) for the management of reformatory and industrial schools and auxiliary homes;
- (i) for the education and industrial and moral training of the immates of reformatory and industrial schools and for the credit to them of a portion of the proceeds of their work;
- (j) for the conveyance of youthful offenders and ehildren to reformatory and industrial schools:
- (k) prescribing visits to and communication with the inmates of reformatory and industrial schools;
- (1) for the grant of permission to the inmates of reformatory and industrial schools to absent themselves for short periods;
- (m) prescribing the punlshment of offences committed by the inmates of reformatory and industrial schools;
- (n) prescribing the manner in which a child or young person may be committed to suitable enstedy and for the supervision of such children and young persons;
- (o) for the detention of children and young persons under arrest or remanded or committed for trial; and
- (p) prescribing the procedure to be adopted in Juvenile Courts.
- (3) All rules made under clauses (0) and (p) of subsection (2) shall be subject to the previous approval of the Governor General in Council.
- (4) All rules made under this section shall be published in the Calcutta Gazette and. on such publication, shall have the same effect as if enacted in this Act.

[Ben. Act II of 1922.]

(Chapter VI.-Miscellaneous.-Secs. 49, 50.)

Appeal.

- 49. (1) An appeal from an order made by a Conrt under sections 25, 27, 31 or 39 shall lie,—
  - (a) if passed by a Magistrate other than a District Magistrate or a Presidency Magistrate, to the District Magistrate;
  - (b) if passed by a District Magistrate, to the Court of Session:
  - (c) if passed by a Court of Session or Court of an Additional Sessions Judge or of an Assistant Sessions Judge or by a Presidency Magistrate, to the High Court.
- (2) No appeal shall lie from any order passed in any such appeal.

Revision

50. Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court either on the report of a Sessions Judge or of a District Magistrate, or on the application of a party interested, or on its own initiative.

#### BENGAL ACT No. III OF 1922.

#### THE BENGAL STAMP (AMENDMENT) ACT. 19221.1

[29th March, 1922.]

An Act to amend the Indian Stamp Act, 1899, in its application to Bengal

Preamble

WHEARAS it is expedient to increase the revenues of Bengal and for that purpose to amend the Indian Stamp Act. 1899, in its application to Bengal, in the

manner hereinafter appearing; And whereas the previous sanction of the Goverc. ul., 6 & Geo V, c 37. 9 & 10 to V, c. 101. nor General has been obtained, under section 80A, sub-section (3), of the Government of India Act, to the

passing of this Act; It is hereby enacted as follows:-

II of 1899

5 & 6 Geo

II of 1829.

f. (1) This Act may be called the Bengal Stamp (Amendment) Act, 1922.

Short title, estent and commencement

(2) It extends to the whole of Bengal. (3) It shall come into force on the first day of

April, 1922. hereinafter Application of 2. The Indian Stamp Act, 1899, referred to as the said Act, shall, in its application to

Bengal, be amended in the manner hereinafter provided.

3. To clause (10) of section 2 of the saut Act the chare (10) of following shall be added, namely:—"or by Schedule clave (10) of section 2 of Act 11 of 1899

In section 3 of the said Act,-

Amendment of section 3

(1) after clause (c) the following shall be inserted, namely :-

> "Provided that, except as otherwise expressly provided in this Act. and notwithstanding anything contained in clauses (a), (b) or (c) of this section or in Schedule 1. the amount indicated Schedule IA to this Act shall. subject to the exemptions contained in that schednle, be the duty chargeable under this Act

<sup>&</sup>lt;sup>3</sup> For Statement of Objects and Reasons, one Calcara Gazette, 1977. Pt. 1V, p. 33, and for Proceedings in Council, or the Bengal Legislative Council Proceedings, 1977, Vol. VII., No. 1, pp. 255-253, and Vol. VII., No. 6, pp. 2-10, and 35-113.
56-117, and 176-131.
6 Geograf Acts. Vol. V.

<sup>6</sup> See Bermint

[Ben. Act III

(Sec. 5.)

on the following instruments, mentioned in clauses (aa) and (bb) of this proviso, as the proper duty therefor respectively,—

- (aa) every instrument, mentioned in Schedule IA as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed in Bengal on or after the first day of April, 1922; and
- (bb) every instrument tioned in Schedule IA as chargeable with that schedule, under which, not having been previously executed by any person, is executed ont of Bengal on or after the first day of April. 1922, and relates to any property situated, or to any matter or thing done or to be done in Bengal, received in and is Bengal;"

(2) after the word "Provided" the word "also" shall be inserted.

Amendment of 5. In sub-section (1) of section 4 of the said

- (a) after the words and figure "in Schedule I" the following shall be inserted, namely:-
- "or in Schedule IA, as the ease may be;"
  (b) for the words and brackets "instead of the duty (if any) prescribed for it in that schedule" the following shall be substituted, namely:—

"if the principal instrument be chargeable with the duty prescribed in Schedule I, or with a duty of one ruped eight annus, if the principal instrument be chargeable with the

of 1922.]

#### (Secs. G. 7.)

duty prescribed in Schedule IA, instead of the duty (if any) preserihed for such other instrument in Schedule I or Schedule IA, as the ease may he."

6. In section 6 of the said Act,-

Amendment of section 6.

- (1) in the first paragraph, after the words and figure "in Schedule I" the following shall be inserted, namely :-
  - "or in Schedule IA, as the case may he : "
- (2) in the proviso, after the words "one rupee" the words "eight annas" shall be inserted. and after the words " has been paid " the following shall be added, namely:-

"unless it falls within the provisions of section 6A."

. 7. After section 6 of the said Act the fellowing shall be inserted, namely :--

New section 6A

Payment of Bengal Stamp daty on copies, counterparts or duplicates when that duty has not been paid on the principal or original instrument.

"5A (1) Notwithstanding anything contained in sections 4 or 6 or in any other law, unless it is proved that the duty chargeable under the Bengal Stamp (Amendment) Act, 1922. has been paid-

- (a) on the principal or original instrument as the case may be, or
  - (b) in accordance with the provisions of this section,

the duty chargeable on an instrument of sale, mortgage, or settlement other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in Bengal, have been chargeable, under the Bengal Stamp (Amendment) Act, 1922, with A" higher rate of duty, be the duty with which the

|Ben. Act III

#### (Sec. 8.)

principal or original instrument would have been chargeable under section 19A.

(2) Notwithstanding anything contained in any law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable nuder this section has been paid thereon:

Provided that a Court before which any such instrument, counterpart, duplicate, or copy is produced, may, in its discretion, permit the duty chargeable under this section to be paid thereou, and may then receive it in evidence."

New section 8. After section 19 of the said Act the following shall be inserted, namely:—

"19A. Where any instrument has become chargeable in any part of British India other than Bengal with duty under charge (bb) of section 3. "

"Payment of daty on able in any part of British India other than Bengal with duty under this Act or under any other law for the time being in force in any part of British India and thereafter becomes chargeable with a higher rate of duty in Bengal under clause (bb) of the first provise to section 3.—

- (i) notwithstanding anything contained in the first provise to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule IA less the amount of duty, if any, already paid on it in British India.
- (ii) in addition to the stumps, if any, already uffixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same

#### (Secs. 9, 10.)

persons as though such instrument were an instrument received in British India for the first time at the time when it became chargeable with the higher duty."

9. After section 29 of the said Act the following New section shall be inserted, namely:—

"29A. In applying sections 23A, 24 or 29 to any instrument chargeable with daty under Schedule 1A.

Act, 1922, the references in those sections to the several articles in Schedule I shall be deemed to be references to the corresponding articles in Schedule IA."

10. In section 32 of the said Act-

Amendment of section 32

- (1) In clause (a) of the proviso, after the words "any instrument" the words "other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3" shall be inserted:
- (2) the word "or" at the end of clause (b) of the proviso shall be omitted;
- (3) after clause (c) of the proviso the following shall be inserted, namely:-

"or

"(d) any Instrument chargeable with duty under clause (bb) of the first proviso to section 3 and brought to him after the expiration of three months from the date on which it is first received in Bengal."

[Ben. Act III.

(Secs. 11-13.)

New ection

11. After section 48 of the said Act the following shall be inserted, namely:-

"48A. Notwithstanding anything contained in

Validity of certificate or endorsement in respect of instruments for which higher rate of duty payable in Benral anything contained in this Act, no certificate or endorsement under this Act in respect of an instrument chargeable in Bengal with a

higher rate of duty under the Bengal Stamp (Amentment) Act, 1922, shall be received in evidence or be in any way valid in respect of the payment of duty on such instrument or in respect of the chargeability of such instrument with duty unless the duty chargeable under the Bengal Stamp (Amendment) Act, 1992, has been paid on such instrument."

Amendment of section 77.

12. At the beginning of section 77 of the said Act the following shall be inserted, namely:—

"Except for the provisions as to copies contained in section 6A."

New Schedule

13. After Schedule I to the said Act the following shall be inserted, namely:—

#### "SCHEDULE IA.

Stamp duty on certain instruments under the Bengal Stamp (Amendment) Act, 1922.

(See section 3, first provise)

[Note.-The articles in Schedule IA are numbered so as to correspond with similar articles in Schedule I]

	Descripti	ion of Instrum	nest.		Proper a	tamp-duty.	
•			•		•	•	
2. ADM given under Act, 1865. Banks Act, Administrat 10 of the Sc	section 2: section 6 1873, section 1	of the Gov ion 78 of 1 881 or sec	ernment ' the Probat tion 9 or 1	avings			X of 18 V of 18 V of 18 VII of 18
(a) wh	ere the s R <sub>1</sub> , 1,000 ;	amount de	net net	exem d	The same Bond (No	duty as a 15) for such	
(b) in 0	my other c	ase	•••	[7	Ten rupees.		

of.1922.] 1

### (Schedule IA.)

Description of Instrument.	Proper stamp-duty.	
3 Abortion Deen, that is to say, any instru- ment (other than a will) recording an adoption, or conferring or purporting to confer an authority to adopt	Twenty tupees.	
ADVOCATE. See Entry as an Advocate (No 30)		
4. Appinavit, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Two rupees.	
Exemptions		
Affidavit or declaration in writing when made—  (a) as a condition of enlistment under the Judian Army Act, 1911;  (b) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or  (c) for the sole purpose of enabling any person to recoive any pension or charitable allowance.		
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—		
(a) if relating to the sale of a bill of ex-	Three annas.	
(b) if relating to the sale of a Government security or share in an incorporated company or other body coporate;	Subject to a maximum of fifteen rupers, one and-a-half annas for every Rs. 10,000 or part thereof, of the value of the security or share.	
(c) if not otherwise provided for	Twelve annas.	
Exemptions		
Agreement or memoraudum of agreement—  (a) for or relating to the sale of goods or metchandise exclusively, not being a note or memorandum chargeable under No 43;  (b) made in the form of tenders to the Government of India for, or relating to, any loan;  (c) made under the European Vagrancy Act, 1874; section 17.		

f 1874

of 1911

[Ben. Act 11]

	Description of	instrument.		Proper stam, duty.
ø	ø	0	e	0 0
Assignment Transfer ( (No. 63), as th	No. 62), a		e (No. 2 sfer of lea	13), ase
ATTORNES and Power-of-			orney (No. 3	0),
. Аптиошту (No. 3)	TO ADOPT	. See	Aduption-de	ed
12. AWART writing by an an award direct made otherwis in the course	arbitrator ction a par ethan by s	or umpii tition, on	e, not bein a referenc	g ce
pro	ere the am- operty to wh set forth in ceed Rs. 1,0	ich the a such awa	ward relate	the The same duty as a Bond (No. 15) for out such amount.
	t exceeds Ry ceed Rs 5,00		ut does no	Seven rupees eight
	every addit ereof in exc			Eight annes subject to a maximum of fifty
	Exempl	1011.		rupees.
Award under Act, 1901, sect tary Offices Act	ion 160, or	the Bom	t Municipa bay Heredo	Bom III of Bom III of
•	e	c	e	6 6
14. Bill of bill of lading).		including	a through	NB—If a bill of lading is drawn in parts, the proper stamp therefor must be horne by each one of the set.
	Exemption	m e-		
desc with defir 190 anot	of lading when the limited under the limited under the line the limited are there place warme port	received to to of an Indian to be d	et a place r port, as Ports Act, elivered at	· · ·

# THE BENGAL STAMP (AMENDMENT) ACT, 311 1922

of 1922.]

	Description of instrument.	Preper stamp-duty.
	14. Bill of lading when executed out of British India and relating to property to be delivered in British India	
VII of 1670,	16 Boxn [as defined by section 2(5)], not being a narretter (No. 27), and not teng otherwise provided for by this Act, or by the Court-fees Act, 1870-	
	where the amount or value secured does not exceed Rs 10;	Two annas
<b>.</b>	where it exceeds Rs 10 and dres not exceed its 50;	Four annas
	where it exceeds Rs 50 and does not exceed Rs 100;	Eight annas,
	where it exceeds its 100 and does not exceed Rs 200;	· ·
	where it exceeds Ha 200 and does not exceed its 300;	One rupce fourteen
	where it exceeds Rs 300 and does not exceed its 400;	Two rupees eight anuas
	where it exceeds Rs. 400 and does not exceed Rs. 500;	Three rupees two anuss.
	where it exceeds Rs. 500 and does not exceed Rs 600;	Four rupees eight annes
	where it exceeds its. 600 and does not exceed Rs. 700;	Five rupces four annas.
	where it exceeds Rs. 700 and does not exceed Rs. 800;	Six rupees,
	where it exceeds Rs. 800 and does not exceed Rs 900;	Six rupees twelve anoss.
	where it exceeds Rs 900 and does not exceed Rs 1,000;	Seven rupees eight
	and for every Rs 500 or part thereof in excess of Rs 1,000.	Three rupees twelve

[Ben. Act III

(Schedule 1A.	,
Description of instrument.	Proper stamp-duty.
See Administration Bond (No. 2), Bottom: Bond (No. 16), Customs Bond (No. 26), Index nity Bond (No. 34), Respondentia Bond (No. 56) Security Bond (No. 57)	(2)
Exemptions.	
Boud, when executed by-	,
(a) headmen nominated under role. framed in accordance with the Benga Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	1
(b) any person for the purpose of guaran- teeing that the local income derived from private subscriptions to a cliaritable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem	
15. BOTTOMAY ROND, that is to say, any in- strument whereby the master of a sea-going ship horrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—	
where the amount or value secured does not exceed Rs 10;	Three annas.
where it exceeds Rs. 110 and does not exceed Rs. 50;	Six sana4.
where it exceeds Rs.150 and does not exceed Rs. 100;	Twelve annas
where it exceeds Rs. 100 and does not exceed Rs. 200;	One rupee eight annas
where it exceeds Rs. 200 and does not exceed Rs. 300;	Two rupees four annas.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Three rupees.
where it exceeds its, 400 and does not exceed Rs 500;	Three rupces twelve annas.
1	

#### of/1922.]:

Description of instrument.	Proper stamp-duty
16. BOTTOMRY BOND-conald.	
where it exceeds Rs. 500 and does not exceed Rs 600;	Four rupees eight annas.
where it exceeds Bs 600 and does not exceed Rs. 700;	Five rupces four annas.
where it exceeds Rs 700 and does not exceed Rs, 800;	Six rupees,
where it exceeds Rs 800 and does not exceed Rs. 900;	Six rupees twelve annas.
where it exceeds Rs 900 and does not exceed Rs 1,000;	Seven rupres eight
and for every Rs. 500 or part thereof. in excess of R . 1,000.	Three rupees twelve
17. CANCELLACTON—Instrument of (including any instrument by which any instrument proviously executed is cancelled); if attested and, not attended for,	Seven rupees eight annas
See also RELEASE (No. 55), Revocation of Settlement (No. 58-B), Surreyder of Lease No. 61) Revocation of Trust (No. 64-B),	
18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold), granted to the purchaser of sny property sold by public audion by a Coril or Revenue Court or Collector or other Revenue officer.—	
(a) where the purchase money does not exceed. Ra 10;	Three unnas
(b) where the purchase-money exceeds Rs. 10, but does not exceed Rs. 25;	Six annas,
(e) in any other case	The same duty ss a con- veyance (No 23) for a consideration equal to the amount of the purchase-money only

[Bon. Act III

Description of instrument	·	· Proper stamp-duty.
20. CHARTER PARTY, that is instrument (except an agreement of a tug-steamer) whereby a v specified principal part thereof is specified purposes of the charter includes a penalty clause of not.	t for the hi	re
	o	e ., a
22. Confosition-deed, that is instrument executed by a debtor conveys his property for the loreditors, or whereby payment of or dividend on their debts is sereditors, or whereby phovision is continuance of the debto, is husine supervision of inspectors or und license, for the henefit of his credit	whereby hebenefit of his a composition accomposition of the made for the composition of the control of the cont	e Aunos
23. Conveyance as defined by not being a Transfer charged or exceed No. 62—	rection 2(10) cumpted under	
where the amount or value of t tion for such conveyance ther in does not exceed Rs 50	as set forth	Twelve annas
where it exceeds Rs 50 but doe Rs. 100;	s not exceed	One rupes eight annas.
where it exceeds Rs. 100 but do	es not exceed	Three rupees,
where it exceeds Rs. 200 but doe Rs. 300 :	es not exceed	Four rupees eight annas.
where it exceeds Rs. 300 but do	es not exceed	Six rupees.
where it exceeds Rs. 400 b exceed Rs. 500;	ut cloes not	Seven rupees eight
where it exceeds Rs. 500 but don Rs 600;	s not exceed	Nine rupees.
where it exceeds Rs. 600 but doc Rs. 700;	n not exceed	Ten rupees eight anuas.

of 1922.] · 1

#### (Schedule IA.)

Description of instrument.	Proper stamp-duty.
3 Converance—concld.	
where it exceeds Rs. 700 but does not exceed Rs. 800.	Twelve rupces.
where it exceeds its 800 but does not exceed its 900 ,	Thirteen rupecs eight
where it exceeds Rs. 900 but does not exceed Rs. 1,000,	Fifteen rapecs.
and for every Rs 500 or part thereof in excess of Rs, 1,000	Soven rupees eight aboas,
Exemplion,	

Assignment of copyright under the Indian Copyright Act, 1914, section 5

III of 1914.

CO PARTNERSHID DEED-Ere Partners lup

[Ben. Act III

_	Description of instrument.	Proper Stamp-duty.
25.	COUNTERPART OR DUPLICATE of any instru- ment, chargeable with duty and in respect of which the proper duty has been paid—	
	<ul> <li>(a) if the daty with which the original instrument is chargeable does not exceed one rupes eight annas;</li> </ul>	The same duty as is payable on the original
	(b) in any other case not falling within the provisions of section 6A.	One rupee eight sanss.
	Exemption.	
Cour	nterpart of any lease granted to a cultivator, when such lease is exempted from duty.	
26.	Customs Rond—	
	(a) where the amount does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 16) for such amount.
	(b) in any other case	Ten rupees
27.	DEBENTINE (whether a mortgage debenture or not), being a marketable security transferable—	
	(a) by endorsement or by a separate instrument of transfer;	The same duty as a Bottomry Bond (No. 16) for the same amount.
	(b) by delivery	The same duty as a conveyance (No. 23) for a consideration equal to the face amount of the delenture.
an th	lanation.—The 'term "Debenture" y interest coupons attached ther a amount of shall n	

of 1922.],

IX of 1884.

Description of instrument.	Proper stamp-duty.
27. Debenture—concld.	
Exemption.	1
A debenture issued by an incorporated company or other hody corporate in terms of a registered mortgage-ded duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders; provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed	
See also Bond (No. 15) and sections 8 and 55. DECLARATION OF ANY TRUST. See Trust (No. 64).	
	0 0
DEPOSIT OF TITLE DEEDS—See Agreement relating to Deposit of title-deeds, Pawn or Pledge (No. 6)	
DISSOLUTION OF PARTNERSHIP—See Partnership (No. 46).	
29 DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Two rupees.
Dower-Instrument of See Settlement (No. 58).	
DUPLICATE. See Counterpart (No. 25).	
30. ENTRY AN AN ANYOCATE, VARIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT, in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1884—	
(a) in the case of an Advocate or Vakil;	Seven hundred and fifty rupees.
(b) in the case of an Atterney	Five hundred rupees,
Exemption	
Entry of an Advocate, Vakil or Attorney on the roll of any High Court, when he has pre- ciously been enrolled in a High Court.	

[Ben, Act III

Description of instrument.	Proper stamp-duty.
31. Exchange of property—Instrument of	The same duty as a conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
EXTRACT-See Copy (No. 24).	
32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession);	The same daty as a conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.
(b) when such mortgage is one of the description referred to in clause (b) of Article No 40 (that is, without possession)—	•
(c) if at the time of execution of the in-trument of further charge possession of the property is given or agreed to be given under such instrument;	The same duty es a conveyance (No. 23) for a consideration equal to the total amount of the charge (nuchuding the original mortgage and any further charge arready made), less the duty palready paid on such original mortgage and further charge.
(ii) if possession is not so given	The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.
33. Girr—Instrument of, not being a Settle- ment (No 58), or Will or Transfer (No 62).	The same duty as a conveyance (No 23) for a consideration equal to the value of the property as set forth in such instrument
Hinny Agreement for agreement for service. See Agreement (No. 5).	

of 1922.]

(Schedule 171.)		
Description of instrument.	Proper slamp-duly.	
34. Indivisity Bond.	The same duty as a Security Bond (No. 57) for the asme amount.	
INSPECTORSHIP DEED-See Composition-deed (No. 22).	•	
35. Lease, including an unler-lease or sub- lease and any agreement to let or sub-let— (a) where by such lease the rent as fixed and up premium is paid or delivered— (i) where the lease purports to be for a term of less than one year;	†The same duty as a Bottomry Bond (No.16) for the whole amount payable or deliverable under such lease	
	i 	
(a) where the lease purports to be for a term of not less than one year, but not more than five years;	Bottomry Bond	
(iii) where the leave purports to be for a term exceeding five years and not exceeding ten years,	conveyance (No. 23)	
(is) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years;	conveyance (No 23)	
(v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years:	conveyance (No. 23)	

1922.

(Ben. Act III

	,
Description of instrument.	Proper stamp-duty.
35. Lease - contd.	1
(ci) where the lease purports to it for a term exceeding thirt years, but not exceeding on hundred years;	v conveyance (No. 23)
(11) where the lease purports to be for a term exceeding on hundred years or in perpetuity.	e) conveyance (No. 23)
(viii) where the lease does not purport to be for any definite term;	The same duty as a conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for
	the first ten years if the lease continued so long.
(b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved;	The same duty as a conveyance (No 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the leave.

of 1922.]

(Schedule 1A.)	
Description of tostroments	Proper stamp-duty.
35. Lease—contd.  (c) where the lease is granted for a fine of premium, or for mosey advanced in addition to rent reserved.	The same duty as a conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the fease, in addition to the duty.
	which would have been payable on such lease, if no fine or premium or advance had been paid or deli- vered:
	Provided that, in any case when an agreement to lease is stamp, ed with the ad referent stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed twelve annes.
Exemptions.	
(a) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupces.	
In this exemption a lease for the pur- poses of cultivation shall include a lease of tands for cultivation together with a lamestead or tank	
(b) Leases of risheries granted under the Burma Fisheries Act 1905, or the Upper Burma Land and Revenue Regulation, 1889.	

[Ben. Act III

VII of

		(α)	спеаш	e 1A.)	) 		
	Descr	option of fastr	dment.		Pro	per stamp-di	ity.
35. L	EASE Con	cld.					
pay any nevenue, owner's s by la amount s	ecurring the landle hare of m w recove agreed to	then a less charge, su- ord's share unicipal rate cable from the paid by f the cent.	ch as Ge of cesse tes or tax the le	veromers, or the es, who esor, the	h h		
ø	0	U	٥	ø	•	0	
ь	o	9	0	o		ø	
LETTER (No. 5).	or C	GARANTEE-	-See A	greemen			
agreemen that the la their clai	t between atter sliall,	LICENSE, the a debtor of for a specifical flow the de discretion.	and his ied time,	creditors buspend	ganas	rupees	eight
39 MI COMPANY-	MORANDUL	t of Ass	OCIATION	OF A	ĺ		
(a) if	under se	ied by artie ection 17 es Act, 1915	of the	sociation Indian	Thirty fu	peea,	
(b) 1f	not so acc	ompanied			Eighty ru	pees.	
	E	xemption.					
Memora for profit : Indian Cou	and registe	ny associal red under s t, 1913.	tion not ection 26	formed l			
40 Mo relating to Pledge (No gage of a (No. 56), or	RTGAGE-DE Deposit 6), Botto Crop (No	eo, not bein of Title-donry Bond o, 41), Res Bond (No. 5	g au Agr eeds, Pa (Ng. 16) poodentia 7)—	ecment   wn or Mort- Bond			
(a) wh	part of t	ion of the he property is given by to be given:	the mor	ed in	The same deverance of a considerance to the same by such de	(No. 23) ration eq ount secu	for
							<del>-</del> .

of 1922.]

#### (Schedule IA.)

Description of Instrument.	Proper stamp-duty.
40. MORTGAGE-DEED—contd.  (b) when possession is not given or agreed to be given as aforesaid;	The same duty as a Bond (No 15) for the amount secured by such deed,
Explanation—A mortgager who gives to the mortgage a power of sattorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this article.	
(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs 1,000;	Twelve annas.
and for every Rs. 1,000 or part thereof becured in excess of Rs. 1,000.	Ditto,
Exemptions.  (1) Instruments executed by persons taking advances under the Land Improve-	1
ment Loons Act, 1883, or the Agra- culturists Loans Act, 1884, or by their surcties as security for the repsyment of such advances.	I

2881 to XIX.

- (2) Letter of hyphothecation accompanying a bill of exchange
- 41. Meardage of a cape, including any instrument evidencing an agreement to accure

[Ben. Act III

	,
Description of instrument.	Proper stamp-duty.
41. MORTGAGE OF A CROT-concld.	
the repayment of a loan made upon any mo gage of a crop, whether the crop is or is not existence at the time of the mortgage—	rt- in
(a) when the loan is repayable not more the three months from the date of t instrument—	an he
for every sum secured not exceeding Rs. 200;	og One-und-a-half annas.
and for every Rs. 200 or part there secured in excess of Rs 200;	of Ditto.
(b) when the loan is repayable more that three months, but not more that eighteen months from the date of the instrument—	n A
for every sum secured not exceeding Rs. 100;	Three annas.
and for every Rs. 100 or part thereo secured in excess of Rs. 100.	f Ditto.
42. Notarial Act, that is to say, any instrument, endorsement, note, attestation, certificate, or entry nut being a Process No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	
See also Protest of Bill or Note (No. 50).	
43. Note on Memorandou, sent by a Broker or Agent to his principal, intimating the purchase or sale on account of such principal—	
(a) of any goods exceeding in value twenty rupees;	Three annas.
(b) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of fifteen supers, two annual for every Rs. 10,000 or part thereof of the value of the stock or security.
44. Note of Protest by the Master of a Ship (No. 51).	One rupec.
1	

of 1922.]

Description of instrument,	Proper stamp-duty,
45. Partition~Instrument of [as defined by section (15)]	The same duty as a Bend (No. 15) for the amount of the value of the separated share of shares of the property
	N.R.—The largest share re unaising after the pro- perty is partitioned in if there are used of white and not smaller than any of the other such acts to the such acts to the such acts to the shall be deemed to be that from which the deeper shall be deemed to be that from which the deeper shall be deemed to be separated.
	Provided siwers that-
	(a) when a instrumed of particles of consisting particles of consisting property is severally in several property in severally in several property in several property in several property is severally in several particles as several property in se
	(b) where in 1 is held to flereoupe. Rettlement for a period not ex- ceeding thirty years and paying the full attenues. the value for the purpose of day shall be callusted at not more than for times it and any revenue.
	(r) where a first order for effecting a partition of the control o

[Ben, Act III

## (Schedule IA.)

	Description of instrument.			Proper stamp-duty.		_			
	-							per stamp-quty.	
	46.	PARTNE	RSHIP-						
	A	.—Instru	ment of—				!		
(a) where the capital of the pari does not exceed Rs. 500;					the parti 500;	nership	Five ru	pees.	
		(b) in ar	y other c	isa	•••		Twenty	rupees.	
	В.	.—Dissolu	ition of—				Теп тир	ees,	
		oawn or to Depos (No. 6)	PLEDGE— it of Title	-See Agi -deeds,	reement re Pawn or	elating Pledge			
		۰	•	۰	U	•	0	0	
	secti	on 2 (21)	OF-ATTOR	a Proxy	_				
	,	pro or sin exc	euring t more doc gle trans:	he regis uments ictivii or	sole purpo tration of in relation for admi ore such	to a litting	I'welva <u>"</u> s	111048	
XV of 1882.	(	une	required for the P ort Act, 18	residency	or proceed Small (	lings O	ne rupee	•	
	(	to:	et in a s n the cas	ungle tra	ersun or i nsaction o ned in cl	ther	ne rupee	eight annss	
	(	per- in	ons to act	iointly	ore than and sever transaction	ally l a	ven n	ipees eigh	t
	(	not join	more tha	n ten pe everally- i	than five reous to in more thanks;	nct	Iteen rup	ecs.	

## (Schedule IA.)

	Descrip	tion of Instru	ment,		Proper star	mp-duty.	•
48. Po	WER OF A	TTORNEY	-concld.				
(f) v		n for con the atto le propert	rney to s	and au- ell any	The same convey ance for the amo	(No. 23 ount of th	)
(g) in	auy other	r case	•••	•••	One rupee of for cach thorized		
					N.B - The ter tion "includes of incidental to rep the ludian Reg 1908,	m "Regis), severy operation pistration ender sistration Act	n r T XVI of 1908.
more po	on.—For tersons that m shall be	n one whe	n belongin	g to the			•
۰	•	٠	v	5	۰	•	
any declar Public, or	orest of ration in other pe the dishone y note	writing ir r=on lawfi	nade by a ully acting	Notary as such,	Тиогорен		
that is to of her vo- the adjus- averages, i by him a for not los declaration	say, any o yage drawn tment of and every usainst the ading or un in is attest other perso	declaration in up by his losses or declaration c cliarterer stoading th ted or cer	of the pa m with a the calcul i in writh a or the co ie ship, wh tified by a	rticulars view to ation of ag inade usignees en such Notary	Тwо гире з		
See also Ship (No	Note of 1	Protest by	the blass	ter of a			
•	•	•	•	•	r	•	

[Bon. Act III .

## (Schedule IA.)

Description of instroment,	Proper stamp-duty.
54. RECONVEYANCE OF MORTOAGED PRO.	
(a) If the consideration for which the pro- perty was mortgaged does not exceed Rs. 1,000;	The same duty as a conveyance (No. 23) for the amount of such consideration as set forth in the reconveyance.
(b) in any other case	Fifteen rupees.
55. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23A), whereby a person renounces a claim upon another person or against any specified property—	,
(a) if the amount or value of the claim does not exceed Rs. 1,000;	The same duty as a Bond (No. 15) for such amount or value as set forth in the release.
(b) in any other case [8	Sevan rupees eight annas.
56. Respondentia Bond, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bottomry Bond (No. 16) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT— See Settlement (No 58); Trust (No. 64)	
57. Security Bond on Mortuage deed, executed by way of security for the due execution of an office or to account for money or other property received by virtuo thereof, or executed by a surety to secure the due performance of a contract—	
exceed Rs. 1.000 :	o same duty as a lond (No. 15) for the mount secured.
	ren rupecs eight nnas.

of 1922,}

	(Schedule IA.)	
	Description of instrument.	Proper stamp-duty.
	57. SECURITY BOND OR MORTGAGE-DEER-concld.	
	Exemptions.	
	Bond or other instrument, when executed-	
n. Act III 76.	(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	
	(b) by any person for the purpose of guaranteeing that the local income derived from private aubscriptions to a charitable dispensary or hospital, or any other object of public utility, shall not be less than a specified sum per mensem;	
	(c) Under No. 3-A of the rules made by the Governor of Bombay in Conneil, under section 70 of the Bombay Irrigation Act, 1879;	
of 1879,	(d) executed by persons taking advances under the Land Improvement Loans Act, 1853, or the Agriculturists	
X of 1883. I of 1884.	Loans Act, 1884, or by their sureties, as security for the repayment of such advances;	
	(e) executed by officers of Government or their sureties to secure the due execution of an office, or tre due accounting for money or other pro- perty recuired by virtue thereof.	
	58. SETTLEMENT— A.—Instrument of (including a deed of dower)	The same duty as a Bottomry Bond (No 16) for a sum equal to the amount or value of the property settled as set forth in such settlement.
		princided that, where an agreement to actite is atamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of auch agreement is subsequently executed, the duty on such instrument and an instrument and an instrument shall not exceed

VII of 1913

[Ben. Act III

	[20.11 1102 ]
(Schedule IA.	•
Description of Instrument,	Proper stamp-duty.
58. SETTLEMENT—concld.	
Exemptions.	
(a) Deed of dower executed on the occasion of a marriage between Muhammadans. (b) Hludassa, that is to say, any settlement of immovable property executed by a Buddhist in Burna for a religious purpose in which no value has been specified and on which a duty of Rs. 10 has been paid.	t l
B.—Revocation of—	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding fifteen
See also Trust (No. 64).	rupees.
59. STABE WARRANTS to bearer issued under the Indian Companies Act, 1913.	One-and-a-half times the duty payable on a conveyance (No. 23) for a consideration equal to the nonmal amount of the shares specified in the warrant.
Exemptions	
Share warrant when issued by a company in pursuance of the Indian Cumpanies Act, 1913, section 43, to have effect only upon payment, as composition for that duty, to the Collector of Stainp-Revenue of— (a) one-audi-a-half per centum of the whole sub-cribed capital of the company; or (b) if any company which has 1 said the said duty or composition in full, subsequently issues an addition to its subscribed capital, one-aud-a-half per centum of the additional capital so issued.	

of 15 22.]

II of 1912

## (Schedule IA.)

Description of instrument.	Proper atamp-duty.
61. SURRENDER OF LYASE—	
<ul> <li>(α) when the duty with which the lesse is chargeable, does not exceed seven rupees eight annas;</li> </ul>	The duty with which such lease is charge.
(b) in any other case	Seven rupees eight annas
Exemplion.	
Surrender of lease, when auch lease is exempted from duty.	
62. TRANSFER (whether with or without consideration).—	}
(a) of shares in an incorporated company or other hody corporate;	One liaif of the duty payable on a convey, ance (No 23, for a consideration equal to the value of the share.
(b) of debentures, being marketable secu- rative, whether the debenture is liable to duty or not except debentures provided for by section 8.	Parable on a conser
(c) of any interest secured by a bond, mort gage-feed or policy of insurance	1
(a) if the duty on such lend, mortgage- deed or policy does not exceed five rupees	The duty with which such ben't mortgage ideal or policy of insur- acce is charge-alle
(11) in any other case	where anders simple

(d) of any priperty under the Admitis | Fifteen rupee. trator-freteral's Act, 1913, section |

25;

#### BENGAL ACT No. IV OF 1922.

## THE BENGAL COURT-FEES (AMENDMENT) ACT, 1922.

#### CONTENTS.

#### SECTION.

- 1. Short title, extent and commencement.
- 2. Application of Act.
- 3. Amendment of section 18 of Act VII of 1870.
- 4. Amendment of section 19
- 5. Amendment of Schednle I, Article 1.
- 6. Amendment of Schedulo I, Article 6.
- 7. Amendment of Schedule I. Article 11.
- 8. Amondment of Schedule 1, Article 12.
- 9. Amendment of table of rates of ad valorem
- Amendment of Schedule II, Article 1, clauses (a), (b) and (c).
- 11. Amendment of Schedule II, Article 1, clause (d).
- 12. Amendment of Schednle II, Article 10.
- 13. Amendment of Schedute If, Article 11.
- 14. Amendment of Schedule II, Article 12.
- 15. Amendment of Schedule II, Article 17.
- 16. Amendment of section 71 of Act XV of 1882.
- Exemption of certain probates, letters of administration and certificates.



## BENGAL ACT No. IV OF 1922.

## [THE BENGAL COURT-FEES (AMENDMENT) ACT, 1922).1

[29th March, 1922.]

An Act to amend the Court-fees Act, 1870, and the Presidency Small Cause Courts Act. 1882, with reference to the scale of court-fees in Bengal.

WHEREAS it is necessary to revise the scale of a court-fees for Hengal, by amendment of the Court-fees Act, 1870, and the Presidency Small Cause Courts ... Act, 1882,3 In their application to Bengal, in the manner bereinafter appearing :

It is hereby enacted as follows:-

1. (1) This Act may be called the Bengal Courtfees (Amendment) Act, 1922.

fbort 1itle extent sal commercement.

(2) It extends to the whole of Bengal.

(3) It shall come into force on the first day of April, 1922.

2. The Court-fees Act, 1870, as amended by subsequent legislation, and the Presidency Small Cause se of Courts Act, 1882, as amended by subsequent legislation, shall be amended, in their application to Bengal, in the manner hereinafter praviiled.

Application of

3. In section 18 of the Court-fees Act, 1870, for Amendment of the words "a fee of eight annas" the words "a fee of VII of 1870 Act one rapee" shall be substituted,

In Item viii in section 19 of the same Act for the words "one thousand rupees" the words "two section 19 thousand rupees" shall be substituted.

Amendment of

5. For Article I in the first schedule to the same Act the following shall be substituted, namely :-

Amendment of Schedule I. I, Article 1

statement, plead ing [.] a act-off or counter-claim or memorandum of appeal (not other. wise provided for in this Act) or of crass-objection presented to any Civil or Revenue Court except those mentioned in section 3. (

Six annis 1. I'laint, written (When the amount or value of the subject-matter in dispute does not exceed seventyfive supers, for every five rupees or part thereof of such amount' [in] value

> when such amount or value Eight annas exceeds seventy-five rupees. for every five rupees or part thereof, in excess of seventyfive rupees, up to one hundred ropers.

For Statement of Objects and Reasons, see Calcutta Gazette, 1921, P. IV. p. 518, and for Protectings in Council, see the Bengal Legislative Council Proceedings, 1922, Vol. VII. No. 1, pp. 263-239, and Vol. VII. No. 4, 1922, pp. 151-215.

Sic-should read or -cietical erior.

[Ben, Act IV

## (Sec. 5.)

## and

when such amount or value One rupee ten exceeds one hundred rupees. for every ten rupees, or part thereof, in excess of one hundred rupees, up to one hundred and fifty rupees,

aunas.

#### and

when such amount or value One rupee two exceeds one hundred and fifty rupecs, for every ten rupees, or part thereof, up to one thousand rupees.

annas.

#### and

when such amount or value Seven exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to seven thousand five hundred rupees,

eight annas.

#### and

1 Plaint, etc -contd. 4

when such amount or value Fifteen rupees, exceeds seven thousand five hundred rupees, for every two laundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees,

#### and

when such amount or value Twenty-two exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees,

runces eight aunas.

#### and

when such amount or value Thirty rapees exceeds twenty thousand rapees. for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to fifty thousand inpecs,

## (Secs. 6, 7.)

when such amount or value Thirty-seven when smount or value Thirty-seven
excectds fifty thousand rupees eight
rupees. for every five annas.

etc.—
thousand rupees, or part
etc.—
thousand rupees:

Provided that the maximum
for levible on a plant or concld. fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees."

6. In the third column in Article 6 in the same schedule to the same Act,-

Amendment of Schedule I, Arti-

- (a) for the words "Four annas," opposite clause (a) in the second column, the words "Six annas" shall be substituted; and
- (b) for the words "Eight annas," opposite the first item in clause (b) in the second column, the words "Twelve annas" shall be substituted, and for the words "One rupee," opposite the second item in that clause, the words "One rapee eight annas" shall be substituted.
- 7. For the entries above the proviso in the second Amendment of column, and for the entries in the third column in Schedule 1 Article 11. Article 11 in the same schedule to the same Act, the following shall be substituted, namely :-

When the amount or value of the Two per centum on such amount property in respect of which the grant of prehate or letters is made exceeds two thousand rupees, but does not exceed ten thousand rupees,

or value.

bna

ten thousand rupers, but does not exceed fifty thousand rupees, for the portion of such smount or value which is in excess of ten thousand rupees,

when such amount or value exceeds. Three per confum an such amount or value.

Ben. Act I

(Sec. 8.)

fifty thousand rupees, but does not exceed a lakh of rupees, for the portion of such amount or value which is in excess of fifty thousand rupees.

when such amount or value exceeds Four per centum on such amoun or value.

and

when such amount or value exceeds Five per centum on such amoun a lakh of rupees, for the portion of such amount or vaine which is in excess of a lakh of runees.

or value."

Amendment Schedule Article 12

8. For the entry in the second column in Article 1, 12 in the same schedule to the same Act, and for the first paragraph in the third column in the said Article, the following shall be substituted, namely:-

When the amount or value of any debt or security specified in the certificate under section 8 of the Act exceeds one thousand supres, but does not exceed ten thousand rupees,

Two per centum on such amount or value and three per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act

and

when such amount or value exceeds exceed fifty thousand rupees, for the portion of such amount or value which is in excess of ten thousand rupees.

Three per contum on such amount ten thousand rupees, but does not ' or value and four and a half per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.

and

when such amount or value exceeds fifty thousand rupee, but does not exceed a lakh of rapees, for the portion of such amount or value which is in excess of fifty thousand rupees,

Four per centum on such amount or value and six per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.

and

when such amount or value exceeds a lakh of rupees, for the portion of such amount or value which is in excess of a lakh of supecs.

Five per centain on such amount or value and seven and a half per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act."

of

#### (Secs. 9-11.)

9. For the table of rates of ad valorem fees 9. For the table of rates of ad valorem fees Amendment of leviable on the institution of suits, at the end of the advancem fees. same schedule to the same Act, the table set forth in the schedule to this Act shall be substituted.

10. In Article 1 in the second schedule to the same Aet—

Amendment of Schedule II, Article 1, clauses (a), (b) and (c).

- (a) in clause (a) after the words "Municipal Commissioner" in the third entry in the second column the words "or member of a District Board" shall be inserted;
- (b) (i) for the words "One anna," opposite chause (a) in the second column, the words "Two annas" shall be substituted:
  - (ii) for the words "Eight annas," opposite clause (b) in the second column, the following shall be substituted, namely :-
    - "In the ease of a camplaint or charge of an offence presented to a criminal court one rupee, and in other eases twelve annas"; and
  - (iii) for the words "One rupee," opposite elause (c) in the second column, the words "Oue rupee eight annas" shall be substituted.
- 11. For clause (d) in the second column in Article
  Amendment of in the same schedule to the same Act, and for the clause (d), telause (d). entries opposite that clause in the third column thereof, the following clause and entries shall be substituted, namely :-

- "(d) (i) When presented to the High Court under section 115 of the Code of Civil Procedure, 1908. for revision of an order-
  - (a) When the value of the suit ... Five rupees. to which the order relates does not exceed Rs. 1.000:
  - (b) when the value of the suit ... Ten rupees. exceeds Rs. 1,000.
- (ii) When presented to the High ... Two rupees." Court otherwise than under that section.

ACT, 1922.

Ben. Act IV

## (Secs. 12-15.)

Amendment of 12. In the third column in Article 10 in the same Schedule schedule to the same Act .--Article 10,

> (1) for the words "Eight annas," opposite clause (a) in the second column, the words "One rupee" shall be substituted; and

> (2) for the words "One rapee," opposite clause (b) in the second column, the words "One rupee eight annus" shall be substituted.

13. For Article 11 in the same schedule to Schedule II, the same Act the following shall be substituted, Article 11. namely:-

> (a) (i) to any revenue Eight annas. Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Author-

" 11. 'Memorandum of appeal when the appeal is not from a decice or and order having the force of a decree and is presented-

- (ti) to any Civil Court One rupeo. other than a High Court,
- (b) to a Chief Control- Two rupees. hag Executive or Revenue Anthority, (c) to a High Court ... Five rupees."

Amendment of Schedule Article 12

14. Above the words "Five rupees," where they occur in the third column, opposite Articles 12 and 13 in the same schedule to the same Act, the words "Ten rupees" shall be inserted opposite Article 12 and the bracket between Articles 12 and 13 in the second column shall be omitted.

Amendment of Schedule Article 17

- 15. (I) The words "Ten rupees" in the column, opposite Article 17 in the same schedule to the same Act, and the bracket opposite that article in the second column in the same schedule shall be omitted.
  - (2) In the third column in the said article .-
    - (a) opposite entries i, ii, iv and vi, the words "Fifteen rupees" shall be inserted; and
    - (b) opposite entries iti and v. the "Twenty rapees" shall be inserted.

#### THE BENGAL COURT-FEES (AMENDMENT) 343 ACT, 1922.

of 1922.]

V of

### (Secs. 16-17.)

16. In section 71 of the Presidency Small Cause Courts Act, 18821,-

Amendment of ection 71 of Act XV of 1882.

- (1) in clause (a) for the words "five hundred rupees" the words "fifty rupees" shall be substituted:
- (2) after clause (a) the following shall be inserted. namely:-
  - "(b) when the amount or value of the subject-matter exceeds fifty rupees, but does not exceed five hundred rupees-the sum of six rupees four annas and three annas in the rupee on the excess of such amount or value over fifty rupees:
- (3) clause (b) shall be renumbered as clause (c) and in that clause as renumbered for the words "sixty-two rupees eight annas" the words "ninety rupees ten annas" shall be substi-tuted, and after the words "one anna" the words "six pies" shall be inserted.
- 17. Nothing in this Act shall apply to any probate, letters of administration or certificate in certain probates, respect of which the fee payable under the law for tration and certithe time being in force has been paid prior to the Scates commencement of this Act, but which have not issued.

Exemption

[Ben. Act IV

#### THE SCHEDULE,

## Table of rates of ad valorem fees leviable on the institution of suits.

(See section 9 of the Bengal Court-fees (Amendment) Act, 1922.)

When the amount or value of the subject-matter exceed—  Rs. Rs. Rs. Rs. Rs. A 5 0 6 6 10 12 12 15 12 25 11 14 15 12 15 12 25 15 16 16 16 16 16 16 18 0 19 19 19 10 11 10 12	(000 2000000000000000000000000000000000	B (	,
5 0 6 6 1 2 1 1 1 2 1 1 5 3 6 4 1 4 4 5 3 6 6 2 4 1 4 4 5 5 5 5 5 6 6 1 6 5 6 5 70 75 75 80 6 6 2 85 85 90 7 7 2 95 100 8 2 1 8 8 2 90 95 95 95 95 95 95 95 95 95 95 95 95 95	or value of the subject-matter		Proper fee
5 0 6 6 1 2 1 1 1 2 1 1 5 3 6 6 2 3 1 2 4 4 5 3 6 6 6 5 4 1 4 4 5 5 5 5 5 6 6 6 6 5 6 5 6 6 5 6 6 6 6	Rs.	Rs.	Rs. A.
5 10 0 12 10 15 1 2 115 1 20 1 8 20 25 25 1 14 25 20 25 2 1 14 25 25 30 2 4 30 35 40 3 0 35 40 3 0 35 40 3 0 40 45 3 6 45 50 55 4 2 55 60 44 8 65 70 75 5 10 75 80 65 4 14 665 70 75 5 10 77 75 80 6 2 80 85 6 10 80 85 6 10 80 85 6 10 81 10 91 11 6 110 120 11 6 110 91 120 11 6 110 120 130 13 0 140 141 0 150 160 18 0 150 160 18 0 150 160 18 0 150 160 180 20 4 150 190 22 8 200 210 220 24 12 220 2310 220 24 12 220 2310 220 24 12 230 240 250 28 2 240 250 250 28 2 250			
10			
15			1 2
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80			2 10
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80			4 2
80		60	4 8
80			4 14
80			5 4
80			5 10
80			6 2
85 90 95 7 10 95 100 8 2 100 110 912 110 120 11 6 120 130 14 10 120 150 16 4 150 160 18 0 160 170 19 2 170 180 20 4 180 20 4 180 20 4 180 210 22 8 200 210 22 8 210 220 24 12 220 23 10 230 250 25 11 230 250 25 2 250 250 250 25 2 250 250 250 25 2 250 250 250 25 2 250 250 250 25 2 250 250 250 25 4 250 250 250 25 4 250 250 250 25 2 250 250 250 25 4 250 250 250 25 4 250 250 250 25 4 250 250 250 25 4 250 250 250 25 4 250 250 250 25 4 250 250 250 25 2 250 250 250 250 250 250 250 250 250 250			6 10
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260 270 30 3		260	
280 31 8		270	
	270	280	31 8

## THE BENGAL COURT-FEES (AMENDMENT) ACT, 1922.

of 1922.]

	•
But does not exceed—	Proper fore
I₹¤.	Rs. A.
290	32 10
::00	33 12
310	31 11
320	36 0
330	
310	$\begin{array}{ccc} 37 & 2 \\ 38 & 4 \end{array}$
350	39 6
360	10 8
370	41 10
380	12 12
390	43 14
400	15 0
410	16 2
	17 1
	48 6
	19 8
	50 10
	51 12
	52 14
	54 0
	55 2
	56 4
	57 6
	58 8
	59 10
	60 12
	61 14
	63 0
	64 2
	65 4 66 6
	67 8
	68 10
	69 12
	70 14
	72 0
650	73 2
660	74 4
670	75 6
680	76 8
690	77 10
	R4. 290 310 310 320 330 310 350 350 370 380 390 400 410 120 130 110 450 460 170 180 500 510 520 530 540 550 660 670 680

[Ben. Act IV

When the amount	,	
or value of the	But does not	
subject matter	exceed-	Proper fees
exceeds-		
$\mathbf{R}\mathbf{s}$ .	Rs.	Rs. A.
690	700	78 12
700	710	79 14
710	720	81 0
720	730	82 2
730	740	83 4
740	750	84 6
750	760	85 8
760	770	86 10
770	• 780	87 12
780	790	88 14
790	800	90 0
800	810	91 2
	820	92   4
810 820	830	93 6
830	840	94 8
840	850	95 10
	860	96 12
850	870	97 14
860	880	99 0
870	890	100 2
880	900	101 4
890	910	102 6
900 910	920	103
920	930	104 10
930	940	105 12
940	950	106 14
950	960	108 0
960	970	109 2
970	980	110 +
980	990	111 6
990	1,000	112 8
1,000	1,100	120 0
1,100	1,200	127 8
1,200	1,300	135 0
1,300	1,400	142 8
1.400	1,500	150 0
1,500	1,600	157 8
1,600	1,700	$\frac{165}{172} \frac{0}{8}$
1,700	1,800	180 0
1,800	1,900	187 8
1,900	2,000	195 0
2,000	2,100	202 8
2,100	2,200	#(/# C

## THE BENGAL COURT-FEES (AMENDMENT) 317 ACT, 1922.

### of 1922.]

When the amount or value of the subject-matter exceeds—	But does not exceed.	Proper for.
Rs.	R«.	Rs. A.
2.200	2,300	210 0
2,300	2,100	217 8
2,400	2,500	225 0
2,500	2,600	232 8
2,600	2,700	210 0
2.700	2,800	217 8
2.800	2,966	255 0
2,900	3.0 %	262 8
3,000	3,100	270 0
3,100	3,200	277 8
3.200	3,300	285 - 0
3,300	3,100	292 8
3,100	3,500	300 0
3,500	3,600	307 8
3,600	3,700	315 0
3,700	3,800	322 8
3,800	3,900	330 0
3,900	4,000	337 8
4,000	4,100	345 0
4.100	1,200	352 8
4,200	4.300	360 0
4,300	4,400	367 8
4,400	4,500	375 0
1,500	1,600	382 8
1,600	4,700	390 0
1,700	4.800	397 8
4,800	4,900	405 0
4,900	5,000	412 8
5,000	5,100	420 0
5,100	5,200	427 8
5,200	5,300	435 0
5,300	5,400	442 8
5,400	5,500 5,600	450 0 457 8
5,500	5,700	465 0
5,600	5,700 5,800	472 S
5.700 5,800	5,900	480 0
5,900	6,000	487 8
6,000	6,100	495 0
6,100	6,200	502 8
6.200	6,300	510 0
6,300	6,400	517 8
0,000	•	04, 0

[Ben. Act

## (The Schedule.)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs,	Rs. A.
6,400	6,500	525 0
6,500	6,600	53z 8
6,600	6,700	540 0
6,700	6,800	547 8
6,800	6,900	547 8 555 0
6.900	7,000	562 8
7,000	7,100	562 8 570 0
7,100	7,200	577 8
7,200	7,300	577 8 585 0
7,300	7,400	592 8
7,400	7.500	592 8 650 0
7,500	7,750	615 0
7,750	8,000	630 0
8,000	8,250	615 0
8.250	8,500	660 0
8,500	8,750	675 0
8,750	9,000	690 O
9.000	9,250	705 0
9,250	9,50)	720 0
9,500	9.750	735 0
9,750	10,000	750 U
000,001	10,500	772 8
10,500	11,000	795 0
11,000	11,500	817 8 840 <b>0</b>
11,500	12,000	
12,000	12,500	862 8 885 0
12,500	13,000 13,500	907 8
13,000	14,000	930 0
13,500	14,500	952 8 975 0
14,000 14.500	15,000	975 0
15,000	15,500	997 8
15,500	16,000	1,020 0
16,000	16,500	1,042 8
16,500	17,000	1,065 0
17,000	17,500	1,087 8
17.500	18.000	1.110 0
18,000	18,500	1,132 8 1,155 0
18,500	19,000	1,155 - 0 $1,177 - 8$
19,000	19,500	1,200 0
19.500	20,000	1,230 0
20.000	21,050	1,2,00

23

## of 1922.]

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fees.
Rs.	Rs.	Rs. A.
exceeds—  Rs.  22,000 23,000 24,000 25,000 25,000 27,000 28,000 30,000 31,000 32,000 33,000 34,000 35,000 35,000 36,000 37,000 38,000 41,000 41,000 42,000 41,000 42,000 43,000 45,000 46,000 47,000 48,000 48,000 48,000		
49,000 50,000 55,000 60,000 65,000 70,000 75,000 80,000 85,000 90,000 1,00,000 1,00,000 1,10,000 1,15,000	50,000 55,000 60,000 65,000 70,000 75,000 80,000 90,000 95,000 1,00,000 1,10,000 1,10,000 1,20,000	2,100 0 2,137 0 2,212 8 2,250 0 2,287 8 2,325 0 2,362 0 2,362 0 2,400 0 2,437 8 2,475 0 2,512 8 2,550 0 2,550 0 2,550 0

[Ben. Act IV of 1922.]

## (The Schedule.)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fees.
Rs.	Rs.	Rs. A.
1.20,000 1.25,000 1.30,000 1.35,000 1.40,000 1.45,000 1.50,000 1.60,000 1.65,000 1.70,000 1.75,000 1.85,000 1.70,000 1.75,000 1.85,000	1,25,000 1,30,000 1,35,000 1,40,000 1,45,000 1,55,000 1,60,000 1,65,000 1,70,000 1,80,000 1,85,000 1,90,000 1,95,000	2,662 8 2,700 0 2,737 8 2,773 8 2,773 0 2,812 8 2,850 0 2,887 8 2,925 0 2,962 8 3,000 0 3,037 8 3,075 0 3,112 8 3,150 0 3,187 8
1,95,000 2,00,000	2,00,000 2,05,000	$\begin{array}{ccc} 3,225 & 0 \\ 3,262 & 8 \end{array}$

and the fee increases at the rate of thirty-seven rapees eight annas for every five thousand rapees, or part thereof, up to a maximum fee of 10 thousand rupees, for example—

Rs.	Rs.	A.
3,00,000	4,012	8
4.00.000	4,762	8
5,00,000	5.512	8
6,00,000	6,262	8
7.00.000	7,012	8
8,00.000	7,762	8
9,00,000	8,512	8
10.00,000	9,262	8
11,00,000	10,000	0

## BENGAL ACT No. V OF 1922.

# THE BENGAL AMUSEMENTS TAX ACT, 1922.

### CONTENTS.

## PREAMBLE.

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## BENGAL ACT No. V OF 1922.

## (THE BENGAL AMUSEMENTS TAX ACT, 1922).

[29th March 1922].

An Act to make an addition to the public revenue of Bengal and for that purpose to impose a lax on entertainments and other amusements and on certain forms of betting

Preamble.

WHEREAS it is necessary to make an addition to the public revenue of Bengal and for that purpose to impose a tax on entertainments and other annisements and on certain forms of betting;

It is hereby enacted as follows:-

1. (1) This Act may be called the Bengal Amusements Tax Act, 1922.

Short title extent and commencement.

- (2) It extends to the whole of Bengal
- (3) It shall come into force on the first day of April, 1922, in-
  - (a) Calcutta, as defined in clause (7) of section 3 of the Calcutta Municipal Act, 1899;
  - (b) (i) Fort William, excepting the portion thereof included within the ramparts of the Fort.
    - (ii) the Esplanade, and

t III

- (iii) that part of Hustings north of the south edge of Clyde Row and Strand Road to the river bank; and
- (c) the Municipalities of Howrah, Cossipore-Chitpur, Maniktola, Garden Reach, Tollygunge, Dacea and Darjeeling, the Barrackpore Cantonment and the South Suburban Municipality.
- (4) The Local Government may, by notification in the Calcutta Gazette, bring this Act or any portion thereof into force in such other areas in Bengal at such time as shall be specified in such notification:

Provided that no notification under this sub-section shall be published in respect of any area included in a military cantonment without the previous sanction of the Governor General in Council.

For Statement of Objects and Ressons, see Calcuta Gaistic, 1922, Pt. 1V, p. 10, and for Proceedings in Council, see the Bengal Legislative Council Proceedings, 1923, Vol. VII. No. 1, pp. 162-172, and 165-273, and 211-266, and Vol. VII. No. 4, pp. 261-314.

<sup>\*</sup>Bergal Act 111 of 1899 has been repealed and re-enacted by the Calcutta Munjcipal Act, 1923 (Ben Act 111 of 1923), post, p. 425

Ben. Act V

(Chapter I.-Entertainments Tax.-Secs. 2, 3.)

### CHAPTER (.

## Entertainments Tax.

Definitions.

- 2. In this chapter, unless there is anything repugnant in the subject or context.—
  - "admission" includes admission as a spectator or as one of an audience, and admission for the purpose of amusement by taking part in an entertainment;
  - (2) "admission to an entertainment" includes admission to any place in which the entertainment is held;
  - (3) "agriculture" includes horticulture and livestock breeding:
  - (4) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;
  - (5) "live-stock" includes animals of every description;
  - (6) "notification" means a notification published in the Calcutta Gazette:
  - (7) "payment for admission" includes any payment made by a person who having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher rate of tax is required, and any payment for seats or other accommodation in a place of entertainment;
  - (8) "proprietor" in relation to any entertainment includes any person responsible for the management thereof; and
  - (9) "society" includes a company, institution, elub or other association of persons by whatever name called.
- Tax on payments for admission to entertainments.

  3. (1) Except as otherwise expressly provided in this Act there shull as from the first day of April, 1992, be charged, levied, and paid to the Government of Bengal a tax, hereinafter referred to as the entertainment tax, at the rate of twenty-five per centum on all navments for admission to any entertainment.

### (Chapter I.-Entertainments Tax.-Sec. 3.)

(2) The cutertainments tax shall not be leviable where the payment for admission is not more than eight annas.

(3) The rate of the entertainments tax in the ease of payments for admission to any theatre, einematograph exhibition, or eircus or any class of entertainment to which the Local Government may apply this sub-section, on the ground that the rate specified in sub-section (I) would impose an nucle hurden on the industry involved, shall be as follows namely:—

Where the payment excluding the amount of the tax-

(i) is more than eight annas but is less than twelve

one anna,

(ii) is twelve annas or more but is less than one rapee eight annas ...

two annas,

(iii) is one rupee eight annas or more but is less than two rupees eight annas

four annas.

(iv) Is two rapees eight annas or more but is less than three rapees eight annas ...

eight annas,

(v) is three rupees eight annas or more but is less than four rupees eight annas

twelve annas.

(vi) is four rapees eight annas or more but is less than six rapees eight annas

one rupee,

(vii) is six rupees eight annas or more but is less than nine rupees eight

one rnpec eight

(Chaper I.-Entertainments Tax.-Sec. 4.)

(viii) is nine rupees eight annas or more but it is not more than ten rupees ...

. two rupees,

two rupees.

- (ix) is more than ten rupees, for the first ten rupees and for every ten rupees or part of ten rupees over ten rupees
- (4) The Local Government may, on the application of a proprietor of any entertainment in respect of which the entertainments tax is payable under subsection (1), allow the proprietor on such conditions as they may prescribe to pay the amount of the tax due by means of a consolidated payment of twenty per centum of the gross sam received by the proprietor on account of payments for admission to the entertainment and on account of the tax.
- (5) The entertainments tax, in the case of theatres, cinematograph exhibitions and circuses and any other class of entertainment which the Local Government may direct, shall be charged, levicd and paid with effect from the first day of October, 1922.

Admission to

- 4. No person shall be admitted for payment to any entertainment where the payment is subject to the entertainments tax, except—
  - (a) with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the Local Government for the purpose of revenue and denoting that the proper entertainments tax has been paid.
  - (b) in special cases with the approval of the Local Government, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted,

unless the proprietor of the entertainment has made arrangements approved by the Local Government for furnishing returns of the payments for admission to the entertainment and has given security up to an amount aud in a minner approved by the Local Government for the payment of the entertainments tax.

(Chapter I.-Entertainments Tax.-Secs. 5-7.)

5. If any person is admitted for payment to any Penalty for place of entertainment and the provisions of section 4 non-payment of are not complied with, the proprietor of the entertainment to which such person is admitted shall, on conviction before a Magistrate, be liable in respect of each such offence to a fine not exceeding five hundred rupees, and shall in addition be liable to pay any tax which should have been paid.

6. The provisions of sections 4 and 5 shall not Sections 4 and apply to any entertainment in respect of which a certain case consolidated payment is made under section 3, subsection (4).

7. (1) The entertainments tax shall be charged in respect of each person admitted for payment, and, in the case of admission by stamped ticket, shall be paid by means of the stamp on the ticket and, in the case of admission otherwise than by stamped ticket. shall be calculated and paid on the number of admissions.

Manner of pay-

- (2) The entertainments tax, in the case of admission otherwise than by stamped ticket, shall be recoverable from the proprietor.
- (3) Where the payment for admission to an entertainment is made by means of a lump snm paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege. right, facility or thing combined with the right of admission to any entertainment, or involving such right of admission without further payment or at a reduced charge, the entertainments tax shall be paid on the amount of the lnmp snm, but where the Local Government are of opinion that the payment of a lump sum or any payment for a ticket represents nayment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the tax has not been in operation, the tax shall be charged on such an amount as appears to the Local Government to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

[Ben. Act V

## (Chapter I.-Entertainments Tax.-Secs. 8, 9,)

Exemptions

- 8. (1) the entertainments tax shall not be charged on payments for admission to any entertainment where the Local Government are satisfied—
  - (a) that the whole of the takings thereof are devoted to philanthropic, religious or charitable purposes without any charge on the takings for any expenses of the entertainment; or
  - (b) that the entertainment is of a wholly educational character (any question on that point to be determined in the case of difference by the Local Government in the Department of Education); or

(c) that the entertainment is provided for partly educational or partly scientific purposes by a society, not conducted or established for profit; or

- (d) that the entertainment is provided by a society which is established solely for the purpose of promoting the interest of the industry of agriculture, or the manufacturing industry, or some branch thereof. or the public health, and which is not conducted for profit, and consists solely of an exhibition of the products of the industry, or branch thereof, for promoting the interests of which the society exists or of materials, machinery, appliances, or foodstuffs, used in the production of those products, or of articles which are material interest in connection with the questions relating to the public health, as the case may be.
- (2) The Local Government may, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments tax.

Refunds in certain circumstances. 9. Where the Local Govornment are satisfied that the whole of the net proceeds of an entertainment are devoted to philauthropic, religious or charitable purposes, and that in calculating the net proceeds not more than twenty-five per cent. of the gross proceeds have been deducted on account of the expenses of the entertainment, they shall repay to the proprietor the amount of the entertainments tax paid in respect of the entertainments.

(Chapter I.—Entertainments Tax. -Secs. 10-12.)

10. (1) Any sum due on account of the entertainments tax shall be recoverable by the Local Government as a public demand.

Recoveries.

(2) Any fine imposed under this chapter shall be of recovered in the manner provided in the Code of Criminal Procedure, 1898,1 for the recovery of fines.

Inspection

11. (1) Any officer authorized by the Local Government for the purpose may enter any place of entertainment while the entertainment is proceeding. and any place ordinarily used as a place of entertainment at any reasonable times, with a view to seeing whether the provisions of this chapter or any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorized, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction hefore a Magistrate to a fine not exceeding two hun-

dred rapees

(3) Every officer authorized under this section XLV of shall be deemed to he a public servant within the meaning of section 21 of the Indian Penal Code.

12. (1) The Local Government may make rules for securing the payment of the entertainments tax and generally for carrying into effect the provisions of this chapter, and in particular-

Rules

(a) for the supply and use of stamps or stamped tickets, or for the stamping of tickets sent to be stamped: and for securing the defacement of stamps when used;

(b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon; and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation :

(c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivances;

Ben. Act. V

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(Chapter I.—Entertainments Tax.—Chapter II— Taxes on certain forms of betting.—Secs. 13, 14.)

- (d) for the checking of admissions, the keeping of accounts and the furnishing of returns by the proprietors of entertainments to which the provisions of section 3, subsection (4), are applied or in respect of which the arrangements approved by the Local Government for furnishing returns are made under section 4:
- (e) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund under this chapter or under the rules made thereunder;

(f) for the keeping of accounts of all stamps used under this chapter: and

- (a) for the presentation and disposal of applications for exemption from payment of the cutertainments tax, or for the refund thereof, made under the provisions of this chapter.
- (2) If any person acts in contravention of, or fails to comply with, any such rules, he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding five hundred rupees.

Power to Local

13. The Local Government may, by notification Garenment to the Calcutta Gazette, delegate all or any of their delegate certain in the Calcutta Gazette, delegate all or any of their powers under this chapter, except those conferred upon them by sub-section (4) of section 1, by section 12, and by this section, to any person or to any authority subordinate to the Local Government.

## CHAPTER II.

## Taxes on certain forms of betting.

Definitions.

14. In this chapter-

(1) "hacker" includes any person with whom a licensed hookmaker hets;

(2) "bet" includes "wager" and "betting" in-

cludes wagering;

(3) "licensed bookmaker" means any person who carries on the business or vocation of or acts as a hookmaker or turf commission agent nuder a licerse or permit issued by any racing club or by the stewards thereof to enable him to carry on his business or vocation nuder the provisions of the Bengal Public Gambling (Amendment) Act, 1913.1 as girls specified in the license or permit:

## (Chapter II.-Taxes on certain forms of betting .-Secs. 15-17 \

- (4) "prescribed" means prescribed by this chapter or by the rules made thereunder:
- (5) "racing club" includes a club, association. society or body of persons corporate or incorporate-
  - (a) formed for the purpose of promoting horseracing or pony-racing or for holding racemeetings; or
  - (b) conducting or controlling such meetings:
- (6) "totalisator" means a totalisator, in an enclosure which the stewards controlling a race-meeting have set apart in accordance with the Bengal Public Gambling (Amendment) Act, 1913, and includes any Instrument, machine, or contrivance known as the totalisator, or any other instrument, machine, or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles.
- 15. There shall as from the second day of April, 1922, be charged, levied and paid to the Government of Bengal out of all monics paid into any totalisator by way of stakes or bets, a tax on backers, hereinnfter referred to as the totalisator tax, amounting to four per cent. of every sum so paid; and four per cent. of every sum so pald into a totalisator shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race-meeting on behalf of Government.

Tax on [lola]payment thereof.

16. The stewards of a race-meeting shall, at such times and in such manuer as may be prescribed, forward making over totalto the prescribed officer a return stating the total Government, amount of the movies paid into the totalisator at the meeting, and shall at the prescribed time make over to the prescribed officer the amount of the tax for that meeting.

Procedure for

17. (1) The stewards of a race-meeting shall keep accounts in the prescribed form of all monies paid into the totalisator at that meeting.

Accounts of

[Ben. Act V

## (Chapter II.—Taxes on certain forms of betting.— Secs. 18-20.)

(2) Every person having the custody or control of any such accounts shall, when required in writing by an officer empowered in this behalf by the Local Government, permit such officer, or an officer authorized in writing by him in this behalf, to inspect and take copies of them.

Betting tax.

18. (1) There shall as from the second day of April, 1922, be charged, levied and paid to the Government of Bengal out of all monies paid or agreed to be paid by a licensed bookmaker to a backer in consequence of the winning by the backer of a bet made in an enclosure set apart under the provisions of the Bengal Public Gambling (Amendment) Act, 1913, on of the limit any race, a tax on backers, hereinafter referred to us the betting tax, amounting to four per cent, of all such

monies.

(2) The betting tax shall be deducted or collected by the licensed bookmaker from such monies at the time when the moncy is paid to the backer, or in the case of credit bets at such time as may be prescribed, and shall be deemed to have been paid by the backer on account of the tax, and shall be retained by the licensed bookmaker on behalf of Government.

Procedure for making over betting tax to Government

19. All sums retained on account of the betting tax shall be made over by the licensed bookmaker, by whom they have been retained, to the prescribed officer at such times and is such manner as may be prescribed.

Accounts betting tax

- 20. (1) The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer returns setting out the names of the bookmakers licensed or permitted by them to carry on the business or vocation of a bookmaker at that meeting.
- (2) All licensed bookmakers shall keep accounts of all sums paid or agreed to be paid by them to backers in satisfaction of bets, in such manner as may be prescribed, and shall, when required in writing by an officer empowered in this behalf by the Local Government, permit such officer, or an officer authorized in writing by him in this behalf, to inspect and take copies of such accounts.

10 1. 1.1 111

of 1922,]

## (Chapter II.—Taxes on certain jorms of betting.— Sees. 21-23.)

21. (1) The totalisator tax payable under section Methods of recovery of totalisation the recoverable as a public demand from the ror tax and racing club conducting the meeting, and any portion betting tax. of such tax which is not so recovered shall also be recoverable as a public demand from the stewards of the race meeting jointly and severally.

(2) All monies which a licensed bookmaker is liable to make over to the prescribed officer under section 19 shall be recoverable from the licensed bookmaker as a nublic demand.

22. The Local Government may make rules for securing the payment of the totalisator tax and the betting tax, the production and inspection of accounts kept under this chapter and generally for carrying into effect the provisions of this chapter, and for dealing with such matters as are therein directed to be prescribed.

nules

23. In the definition of "gaming" in-

Amendment of definition of (i) section 59 of the Howrah Offences Act. gaming.

Act IV

of 1857.

57.

13.

18571, (ii) section 3 of the Calcutta Police Act, 18662, and

Act II

(iii) section 1 of the Bengal Public Gambling Act, 18671,

Act IV as amended by section 2 of the Beugal Public Gambling (Amendment) Act, 1913' .-

- (a) the word "and" in clause (a) shall be omitted, and
- (b) after clause (b) the following shall be inserted, namely :-

"and

- (c) (i) with a licensed bookmaker, or
  - (ii) by means of a totalisator

as defined in section 14 of the Bengal Amusements Tax Act, 1922."

<sup>1</sup> Bengal Code, Vol. I 2 Bengal Code, Vol II 2 Bengal Code, V 2 III

[Ben. Act VI of 1922.]

### (Sec. 4.)

- tc) the words "but does not exceed fifty thousand rupees" and the words "but does not exceed a lakh of rupees" shall be omitted, and
- (a) after the words "in excess of ten thousand rupees" the words "up to fifty thousand rupees" and after the words "in excess of fifty thousand rupees" the words "up to a lakh of rupees" shall be added.
- (2) In the third column of Article 11 in the first schedule to the said Act, the words "on such amount or value", wherever they occur, shall be omitted.

Date of effect of amendments

4. The amendments set forth in sections 2 and 3 shall be deemed to have been made with effect from the commencement of the Bengal Court-fees Amendment) Act. 1922.

Bon. A. 1.

#### BENGAL ACT No. VII OF 1922.

# [THE BENGAL EXCISE (AMENDMENT) ACT, 1922.]

[30th August, 1922.]

An Act further to amend the Bengal Excise Act, 1909.

WHEREAS it is expedient further to amend the tet v Bengal Excise Act, 1909, in the manner hereinafter appearing;

It is hereby enacted as follows:-

- 1. This Act may be called the Bengal Excise Short title. (Amendment) Act, 1922.
- 2. In clause (c) of sub-section '1) of section 51 of American 51 of section 51 of section 51 of section 51 of section 51 of Possal Act v of years" the words "sixteen years" shall be substituted.

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Revons see Calentia Gastic, 1922, Pt. IV, p. 110; and for Proceedings in Council, see the Bengal slegislatine Council Proceedings, 1922, Vol. IX, p. 818; § Bengal Code, Vol. III

#### BENGAL ACT No. VIII OF 1922.

### THE BENGAL VILLAGE-CHAUKIDARI (AMENDMENT) ACT. 1922.71

[11th October, 1922.]

An Act further to amend the Village-chankidari Act, 1870.

Whereas it is expedient further to amend the vi Village-chaukidari Act. 1870,2 in the manner bereinafter appearing ;

It is bereby enacted as follows:-

This Act may be called the Bengal Villageebaukidari (Amendment) Act. 1922.

2. For section 12 of the Village-chankidari Act. 1870. the following shall be substituted, namely:-

New substituted for section 12 of

Short title.

"12. The salaries of *chaukidars* appointed for Bengal Act VI of anv village shall be Balanes of chardidars. determined by panchagat of the village subject to the approval of the District Magistrate."

3. After section 12 of the said Act, the following shall be added, namely:-

Insertion new rection 12A

"12A. Notwithstanding anything contained in section 12, the salaries Saring of existing salaries of chankidars as in of chaulidars force on the 1st day of Sentember, 1922, shall continue to be paid until altered under the provisions of that section."

4. In the proviso to section 15 of the said Act, for the words "one rupee" the words "one rupee eight section 15 annas" shall be substituted.

Amendment of

For Statement of Objects and Reasons, see Calcuta Galette, 1972, Pt. IV, p. 160, and for Proceedings in Council, see the Bengal Legislative 6 onned Proceedings, 1977, Vol. VII, No. 3, pp. 161-163, and Vol. VIII, pp. 132-143, and Vol. IV, pp. 83-149. and 379 380 \* Bengal Code, Vol. II



#### RENGAL ACT No. 1 OF 1923.

### (THE GOONDAS ACT, 1923.)1

[28th February, 1923.]

An Act to provide for the control of certain goondas residing in, or frequenting Calcutta or the neigh-bourhood of Calcutta, and for their removal elsewhere.

Whereas it is expedient to provide for the control of certain goondas within Calentta and the neighbourhood of Calcutta and to provide for their removal elsewhere in certain eircumstances :

6, Geo. 20, Geo. c. 101,

AND WHEREAS the previous sanction of the Governor of two. AND WHEREAG the Plates and sub-section (3) of the Government of India Act to the passing of this Act;

It is hereby enacted as follows:-

- (1) This Act may be called the Goondas Act, Short title local extent. 1923.
  - (2) It extends to the whole of Bengal.
  - 2. In this Act-

Definitions

- (1) "Bengal" means the Presidency of Bengal. as constituted on the first day of April. 19124
- (2) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act. 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calentta Suburban Police Act, 1866, and the Port of Calcutta as defined by notification under section 5 of the Indian Ports Act, 1908: 4
- (3) "Commissioner of Police" means the officer vested with the administration of police in Calcutta under the Calcutta Police Act, 1866,3 the Calcutta Suburban Police Act, 1866,3 the Calcutta Port Act, 1890, and any Act amending any of these Acts;

a. Act IV

n Act Il

of 1908.

n. Act 111

Ben. Act 1

### (Sec. 3.)

- (4) "goonda" includes a hooligan or other rough;
- (5) "neighbourhood of Calcutta" means the areas included in-
  - (a) the police stations of Baranagore, Nawapara, Bariackpore, Dum-Dum, Tollyganj, Behala, Metiabruz, Maheshtolla, Bhangore, Tittaghar, Khardah and Budge-Budge in the district of the 21-Parganas;
  - (b) the police-stations of Howrah, Sibpore, Matipanelighora, Golabaree, Liloonh, Bally and Bantra in the district of Howrah: and
  - (c) any other area which is included within the districts of the 24 Parganas, Howrah or Hooghly, and which the Local Government by notification in the Calcutta Gazette may include within this definition:
- (6) "Presidency area" means Calcutta together with that portion of the district of the 24-Parganas which is not included in Calcutta as defined in this section, and the districts of Howard and Hooghly.

Report by 3. (1) Whenever it shall appear to the Commissioner of Police, that any person—Magnetate.

- (a) is a goonda, or a member of a gaug or bady of goondas, and
- (b) is residing within or habitually visiting or frequenting Calcutta,

and that such person or that such gang or body is commutting or has committed or is about to commit or is assisting or abetting the commission of—

- (i) a non-bailable offence against person or property, or
- (ii) the offence of criminal intimidation, or
- (iii) an offence involving a breach of the peace,

### (Sec. 4.)

so as to be a danger to, or eauso or to be likely to cause, alarm to, the inhabitants or to any section of the inhabitants of Calentta, the Commissioner of Police shall make a report to the Local Government with a recommendation that such person or gang or body of persons be dealt with under the provisions of this Act.

(2) The same powers and duties as are conferred and imposed by sub-section (1) on the Commissioner of Police in respect of persons or gangs or bodies of persons residing in, or habitually frequenting Calcutta, are conferred and imposed on the District Magistrate having inrisdiction in any local area, which is outside Calcutta but is included in the neighbourhood of Calcutta, in respect of all persons or gangs or bodies of persons residing within or habitually visiting or frequenting such area, who appear to such District Magistrate to be goondas or members of a gang of goondas and to be committing, or to have committed or to be about to commit, or to be assisting or abetting the commission of, any of the offences set forth in clauses (i), (ii) or (iii) of sub-section (1) so us to be a danger to, or to cause or to be likely to cause, alarm to, the inhabitants or to any section of the inhabitants of such area.

4. (1) On receipt of the report of the Commis- 1880s sioner of Police or of the District Magistrate, as the warrant process of report, case may be, the Local Government may make an order for the issue of a warrant for the arrest of the person against whom the report has been made.

- (2) The warrant shall be in such a form as shall be prescribed by the Local Government by notification in the Calcutta Gazette and shall be issued by a Secretary to the Local Government and shall contain a statement of the heads of the charges made against such person in the report, and shall further require such person to submit by petition to the advising Judges appointed under sub-section (1) of section 5 by such date as may be specified in the warrant any representation that he may desire to make,
- (3) The officer by whom such warrant is issued shall have-
  - (i) for the enforcement of the attendance of the person, against whom the warrant is issued, at such place and at such time or times as may be specified therein (and thereafter as

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### (Sec. 5.)

such officer may direct) in order to communicate to such person the final order of the Local Government made under section 6, and

(ii) for the forfeiture, under section 514 of the Code of Criminal Procedure, 1898, of any velond, executed for the attendance of such person at such place and at such time or times,

all the powers of a Presidency Magistrate under the Code of Criminal Procedure, 1898; and the warrant shall for the purposes set forth in clauses (i) and (ii) be deemed to be a warrant issued by a Presidency Magistrate, for the arrest of such person to answer a charge in respect of a boilable offence committed by him within the jurisdiction of such Magistrate, and such person, in default of sufficient security being furnished, may, unless such offeer otherwise directs, be detained in custody until the final order of the Local Government under section 6 is communicated to him.

Local Government to place report before advising Judges

- 5. (1) After issue of the warrant under section 4, the Local Government shall forthwith cause the report of the Commissioner of Police or of the District Magistrate, as the case may be, with all material facts and circumstances in their possession relevant to the same to be placed before two advising Judges, of whom one shall be a District and Sessions Judge of Alipur and the other a District and Sessions Judge who has served as such for a period of not less than five years.
- (2) The advising Judges shall consider in camera the report and the other facts and circumstances, if any, adduced before them by the Local Government, and any representation, submitted to them by the person against whom the report has been made within the time fixed by section 4 or such further time as they may allow, and shall call for such further information, if any, and may examine such witnesses, if any, as shall appear to them to be necessary to enable them to tender their advice on the report. They shall also give to the person against whom the report has been made, if he so desires, an opportunity of appearing in person before them to offer

of 1923.j

### (Sec. 6.)

his explanation, and may at the instance of that person require the attendance of any other person, whose statement may support that explanation:

Provided that-

- (a) nothing in this section shall be deemed to entitle the person whose case is before the advising Judges to appear or be represented before them by pleader, nor shall the Local Government be so entitled,
- (b) the advising Judges shall not disclose to the person in question any fact the communication of which might endanger the safety of any individual, and
- (c) the advising Judges shall not be bound to observe the rules of evidence and shall not permit the putting of any question which may endanger the safety of any individual.
- (3) Any statement made to the advising Judges by any person other than the person whose case is before them shall be deemed to be information given to a public servant within the meaning of section 182 of the Indian Penal Code, and the advising Judges shall for the purpose of securing the attendance of any person under the provisions of sub-section (2) have all the powers of a District Magistrate under the Code of Criminal Procedure 1898.

(4) When the advising Judges have reached their conclusions, they shall report the same in writing

to the Local Government.

(5) If the person whose case is under their consideration claims, when submitting his representation or when appearing before the advising Judges, that both he and his father were born in Bengal or that he is a member of a family which has definitely settled in Bengal and is himself so setiled, the advising Judges shall give him an opportunity of establishing his claim, and shall also give to the Commissioner of Police or the District Magistrate, as the case may be, an opportunity of rehutting the same, and at the time of submission of their report to the Local Government shall record their opinion as to whether such person has established his claim.

Judges the Local Government, if satisfied that the person against whom the report has been made should seem that.

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### (Sec. 7.)

be removed elsewhere, may by an order reciting the conclusions of the advising Judges, as reported by those Judges—

- (a) direct him to leave Bengal within such time by such route or routes, and for such period as may be stated in the order, or
- (b) where the Local Government are satisfied that both he and his father were born in Bengal, or that he is a member of a family which has definitely settled in Bengal and is himself so settled, direct him to leave the Presidency area within such time, by such route and for such period as may be stated in the order, and may in that case further order that he shall during the same period notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence to the officer appointed by the Local Government in this behalf.
- (2) The order of the Local Government under subsection (1) shall be final, and shall not be called in question in any subsequent proceeding under section 9 or section 10.

Evasion

- of 7. Where any person on whom a warrant has been served under section 4—
  - (i) fails to attend at the place and at the time or times specified in the warrant and thereafter when required in order to receive the order of the Local Government under section 6, or
  - (ii) prior to the issue of that order, leaves Bengal or the Presidency area, as the case may be,

the Local Government may issue the order under section 6 in the absence of that person by publishing the same in the Calculla Gazetle, and such person shall be deemed to have absconded in order to evade that order:

Provided that the Local Government may condone a failure to attend under clause (i), on reasons for such non-attendance being furnished to their satisfaction, and in that case such person shall not be deemed to have absconded in order to evade the order.

#### (Secs. 8-10.)

8. Every person, in respect of whom an order has order. been imade under section 6 shall, if so directed by the Commissioner of Police or the District Magistrate, as the case may be,---

Identification

- (i) present himself to be photographed:
- (ii) allow his finger impressions to be recorded:
- (iii) if literato, furnish such officer with specimens of his handwriting and signature; and
- (iv) attend at such times and places as Commissioner of Police or the District Magistrate, as the case may be, may direct for all or any of the aforesaid purposes.
- 9. When any person, against whom an order has been made under section 6, fails to comply with such preach of ord order within the time specified therein, or after complying with the said order returns after evading the said order returns to or remains in. any place within Bengal or the Presidency area, as the case may be, before the expiry of the period stated in the order, or fails to give to the officer appointed to receive it the information in regard to residence or absence set forth in section 6, such person may be arrested without a warrant by a police-officer and shall be liable, on conviction before a Presidency Magistrate, or a Magistrate of the first class, to be punished with rigorous imprisonment for a term which may extend to one year.

10. (1) Any person who fails to comply with, or reality to attempts to evaile, any direction given in accordance breach of order section 8 with the provisions of section 8, or who absconds in or for abscondorder to evade any order made under section 6, shall ing to evade an under be liable to be arrested without a warr: nt and shall, section 6 on conviction before a Presidency Magistrate, or t Magistrate of the first class, be liable to be punished with imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(2) An offence under this section and under section 9 shall be deemed to be a non-bailable offence.

#### BENGAL ACT No. II OF 1923.

### [THE CALCUTTA RENT (AMENDMENT) ACT, 1923].<sup>1</sup>

[4th April, 1923.]

An Act to amend the Calcutta Rent Act, 1920.

Act WHEREAS it is expedient to amend the Calcutta 20 Rent Act, 1920; so as to provide for its extension for a further period as hereinafter provided:

And whereas the previous sanction of the Governor General under sub-section (3) of section 6.2. 80A of the Government of India Act has been 7.1.6. obtained to the passing of this Act;

It is hereby enacted as follows:-

- 1. This Act may be called the Calentta Rent Short title (Amendment) Act, 1923.
- 2. In sub-section 4 of section 1 of the Calcutta Amendment of Act Rent Act, 1920, for the words "for a period of three section 1 of years from the date of the commencement of the of lead Act" the words and figures "until the end of March 1924" shall be substituted.

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, see Colester Gazette, 1923, Pr. IV., p. 216, and for Proceedings to Council, see the Bengal Legislative Council Proceedings, 1923, Vol. XI, No. 5, pp. 14-17, Astr., p. 219.

### BENGAL ACT No. III OF 1923.

### THE CALCUTTA MUNICIPAL ACT, 1923.

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## RETURN OF ELECTION EXPENSES.

## SCHEDULE VI.

RULES AS TO LICENSES FOR THE EXERCISE OR CARRYING ON OF PROFESSIONS, TRADES AND CALLINGS.

- 1. Classes of licenses, and tax on each.
- 2. Licenses to be either personal or local.
- 3. Personal license required for each separate profession, trade or calling.
- 4. Personal license for members of firms.
- 5. Local license required for each business.
- Valuation of places of business not separately valued under Chapter X.
- 7. When both personal and local license required.
- 8. Occupier ordinarily to be licensee.
- 9. Annual list of licensees.
- Continuance of liability in same class.
- 11. Time for presentation of applications for remissions, etc.
- Power to Executivo Officer to issue notices to take out licenses, etc.
- Executive Officer to prove liability whom service of notice not proved.
- 14. Appeal to Bench or to Court of Small Causes.
- 15. Statement by appellant.
- 16. Procedure of Court in appeal.
- 17. Finality of order of Corporation or Executive Officers when no appeal.

## SCHEDULE VII.

WARDS FOR PURPOSES OF VALUATION.

SCHEDULE VIII.

TAX ON CARRIAGES AND ANIMALS.

SCHEDULE IX.

SCAVENGING-TAX.

SCHEDULE X.

FORM OF NOTICE OF DEMAND.

SCHEDULE XI.

FORM OF WARRANT OF DISTRESS.

SCHEDULE XII.

TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

SCHEDULE XIII.

FORM OF NOTICE OF SALE.

#### SCHEDULE XIV.

RULES AS TO PRIVATE CONNECTIONS TO PREMISES
AND METERS.

Private connections to premises.

1. Separate service-pipes for separate premises.

2. Separate stop-cocks and underground hydrants or taps for supply of unfiltered water to private premises.

. Outer stop-cocks.

Size of ferrules.
 Construction of service-pipes, ferrules and works.

6. Power to Corporation to inspect premises.

 Replacing or alteration of fittings for supplying water.

 Inspection of works, etc., by qualified officer before permitting connection with mains.

#### Meters. .

9. Testing of meter.

 Payment by occupier in case of incorrectness of meter.

11. Replacing of meter.

12. Prohibition of fraud in respect of meter.

13. Prohibition of injuring meter or fittings.

## SCHEDULE XV.

## RULES AS TO DRAINS, PRIVIES AND URINALS.

## Drains.

- Plans of house-drains to be submitted to Corporation.
- 2. Material and joints.

3. Size.

4. Angles.

5. How to be laid.

6. Prohibition of inlet within building.

7. Traps.

8 Ventilation.

- 9. Soil-pipe of connected-privy or nrinal.
- Ventilation of soil-pipe of connected-privy or urinal detached from building.

Waste-pipes.

12. Open house-drains.

13. Type-plans.

- 14. Maintenance of house-drains kept up for the benefit of certain premises only.
  - Maintenance of house-drains jointly used by two or more premises.
- Power to Executive Officer to superviso and require alteration of work of laying underground drain.
- 17. Restriction on construction of drain beneath
- 18. Drains passing beneath a building.

building.

## Privies and urinals.

- Plans of privies and urinals to be submitted to Corporation.
- 20. Power to Corporation to refuse to sanction service-privy or service-urinal which will be a missance.

21. Regulation of site of service-privies and

service-nrinals.

- 22. Power to Corporation to require substitution of connected-privies for service-privies and connected-urinals for service-urinals.
- 23. Power to Corporation to require owner to provide access to service-privy or serviceurinal from street.
- 21. Models and type-plans.

25. Prains.

26. Floor.

27. Walls and roof.

## Ritte.

28. Platform.

- 29. Ventilation of privies and urinals in, or adjacent to, buildings.
- Service-privies and urinals to be provided with a movable receptacle for sewage.
- 31. Connected-privies and urinals to be separated from kitchens, etc
- 32. Flushing of connected-privies and of urinals.
- 33. Pau for connected-privies and nrinals.

Water-trap.

- 35. Syphon-trap and anti-syphonage pipe,
- 36. Prohibition of "containers" and "D traps."
- 37. Soil-pipe for connected-privies and connected urinals.
- 38. Enforcement of the foregoing rules in the case of future privies or urinals.

#### SCHEDULE XVI.

RULES AS TO THE REGULATION, MAINTENANCE, PROTECTION AND REPAIR OF STREETS AND PUBLIC PLACES.

Regulation, maintenance and protection of streets and public places.

- Cutting of hedges and trees and power to Corporation to cause same to be cut.
- 2 Regulation of verandalis, etc., projecting over streets.
- Sky-signs.

Execution of works in public streets.

- Gnarding and lighting when public street opened or broken up and speedy completion of work.
- Power to Corporation to prevent or restrict traffic in street during progress of work.

Naming of public streets and numbering of premises.

- 6. Posting of street names.
- Numbering of premises.
- 8. Corporation to keep a register of premises.

## SCHEDULE XVII.

RULES AS TO THE USE OF BUILDING-SITES AND THE EXECUTION OF BUILDING-WORK.

## Part I.-Building-sites.

Conditions as to use of building-sites.

 Certificate as to correctness of plans of a previously existing building and fees therefor.

## Part II.—Buildings generally.

3. Height

4. Level of floor.

- 5. Provision of fire-escapes, stair-cases and lift in certain buildings.
- 6. Certain buildings not to be creeted within six feet of a service-privy.

7. Prohibition of use of inflammable materials for roofs or external walls.

## Part III .- Masonry buildings generally.

8. Foundation.

9. Plinth.

10. Footings for walls.

Outer walls.
 Bonding of walls.

15. Damp-proof course. 14. Walls in building of more than one story.

Walls i
 Floors.

16. Beams and girders.

17. Terrace-roofs.

18. Power to Corporation to regulate height of boundary wall.

Notice to be sent to Corporation before commencing work.

20. Notice after completion of work.

21. Inspection of masonry buildings by Corpora-

22. Power to Corporation to take action after making inspection.

## Part IV.—Dwelling-houses and other domestic buildings.

23. Proportion of site for dwelling-house which may be built upon.

24. Dwelling-houses and out-offices where twothirds of site are left vacant.

#### RULE.

- 25. Size and ventilation of inhabited rooms.
- Floor of inhabited room over stable, eattleshed or eow-house.
- 27. Lighting and ventilation of staircases.

28. Ground floor.

29. Court-vard of dwelling-house.

- 30. Open space in rear of building, regulating the rear height.
- 31. Relaxation of rule 30 in certain cases.

32. Open space at sides of building.

- Court-yards and ontward open spaces to be raised and kept open.
- 34. Paving and draining of court-yards and open spaces.
- 35. Space to be added to street not to be taken into account under rules 23, 24, 30 and 32.
  36. Onen space prescribed for one site not to be
- 36. Open space prescribed for one site not to be taken for another site.

# 37. Position of privies in a domestic building.

## Part V.—Buildings of the warehouse class.

- 38. Height of buildings of the warehouse class.
- Open spaces for buildings of the warehouse class.
- Floors of certain buildings of the warehouse class.
- Additional open space for buildings of the warehouse class for loading or unloading carts.

## Part VI.—Public buildings.

- Application of ecrtain provisions of Part IV to public buildings.
- 43. Use of incombustible or fire-resisting materials.

44. Materials to be deemed incombustible.

 Materials to be deemed to be fire-resisting, but not incombustible.

46. Walls for staircases.

- 47. Uniformity in treads and risers in staircases.
- Width of staircases, internal corridors and passage-ways.
   Division of wide staircase by hand-rail.

50. Separate means of exit from floors on different levels.

51. Doors and barriers to open ontwards.

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- 4. Level of floor.
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- Certain buildings not to be erected within six feet of a service-privy.
- Prohibition of use of inflammable materials for roofs or external walls.

## Part III.-Masonry buildings generally.

- 8. Foundation.
- Plinth.
   Footings for walls.
- Footings for
   Outer walls.
- 12. Bonding of walls.
- 13. Damp-proof course,
- 14. Walls in building of more than one story.
- 15. Floors,
- 16. Beams and girders.
- 17. Terrace-roofs.
- 18. Power to Corporation to regulate height of boundary wall.
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35. Space to he added to street not to be taken into account under rules 23, 24, 30 and 32.

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39. Open spaces for buildings of the warehouse class.

40. Floors of certain buildings of the warehouse

 Additional open space for buildings of the warehouse class for loading or unloading earts.

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 Application of certain provisions of Part IV to public buildings.

43. Use of incombustible or fire-resisting materials.

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47. Uniformity in treads and risers in staircases.

 Width of staircases, internal corridors and passage-ways.

49. Division of wide staircase by hand-rail.

 Separate means of exit from floors on different levels.

51. Doors and barriers to open outwards.

## Part VII.—Applications for permission to erect new buildings other than huts.

Rule.

52.Application to Corporation for permission to erect a masonry new building. 53.

Particulars to be furnished in and with, such

applications.

54, Signature of plans, elevations and sections.

55. Necessary employment of licensed building surveyor or other competent person to supervise building.

56. Formulation of requirements and objections.

57. Permission to execute work when to be given or refused by the Corporation. 58. Remedy if Corporation delay grant or refusal

of permission.

59. Grounds on which permission to erect a masonry new building may be refused.

60. Signature of approved plans.

61. Retention of plan and submission of fresh application, after refusal to permit execution of work.

62.Work not to be commenced unless and until

normission given.

63. Special powers to Corporation to suspend or grant permission to erect a masonry building or convert buts, etc., into a masonry building.

Lapse of permission, if not acted upon within 64. three years, or, if granted before a certain date, except in certain circumstances.

65. Power to Corporation to cancel permission on the ground of material misrepresentation by applicant.

## Part VIII.-Huts.

66. Continuous lines.

Distance between caves and alignment. 67.

Use of spaces referred to in rule 67. 68.

- Erection of buts in a bustee in court-yard 69. formation.
- Area of court-yard in huts not in a buster. 70.

71. Space between huts.

- Distance of huts from metalled and sewered 72.
- Distance between but and masonry building.
- Distance between lint and cow-house, etc. 74. Prohibition of projections or dropping of 75. water over street or passage.

#### Rum.

76. Height.

77. Plinth.

78, Rooms.

Court-yards.

## Part IX.—Applications for permission to erect new buildings which are buts.

 Application to be sent, and particulars furnished, to Corporation by person intending to erect a lut.

81. Application for permission to creet a hut,

- 82. Power to Corporation to require further information or a proper site-plan.
- 83. Power to Corporation to employ licensed building surveyor to prepare site-plan, etc., for but.
- Permission to excente work when to be given ar refused.
- 85. Remedy if Corporation delay grant or refusal of permission.
- Grounds on which permission to creet a hut may be refused.
- 87. Retention of plan, and submission of fresh application, after refusal of permission to elect a lut.
- 88. Work not to be commenced unless and until permission given.
- 89. Lapse of permission, if not acted upon within six months.

# Part X.—Application of rules in this schedule to alterations of, and additions to, buildings.

90. Relaxation of rule 3.

 Applicability of rule 30 to alterations and additions above the ground floor.

92. Restriction on application of rules 52 to 65, or 80 to 89.

93. Grant of provisional permission to proceed with work in cases of urgency.

 Power of Corporation to relax certain rules as provided under section 331.

[Ben. Act III of 1923.]

## SCHEDULE XVIII.

RULES FOR THE INSPECTION AND REGULATION OF LAND AND BUILDINGS.

- Power to inspect premises for sanitary purposes.
- 2. Power to Corporation to require cleansing and lime-washing of building.
- 3. Power to Corporation to require owner to secure, enclose, cleause, or clear land or building which is untenanted, filthy or a misance.
- Power to Corporation to demolish, repair or secure wall, building or fixture in a ruinous state, etc.
- Power to Corporation to sell materials of buildings demolished in pursuance of notice issued under rule 4.
- 6. Further powers to Corporation with reference to insanitary or congested buildings.
- to insanitary or congested buildings.

  7. Power to Corporation to direct the filling up,
- etc. of unwholesome wells, pools, etc.

  8. Power to Executive Officer to take action in case of a serious nuisance affecting the public health.
- 9. Power to Corporation to regulate excavations

## SCHEDULE XIX.

CERTAIN PURPOSES FOR WHICH. PREMISES MAY NOT BE USED WITHOUT A LICENSE.

SCHEDULE XX.

FORM OF CERTIFICATE.

SCHEDULE XXI

REGISTRATION OF BIRTHS.

SCHEDULE XXII

REGISTRATION OF DEATHS.

## SCHEDULE XXIII

FORM OF NOTICE TO BE ISSUED ON YELLOW PAPER AND AFFIXED ON PREMISES WHEN OTHER MEANS OF SERVICE NOT AVAILABLE.

## (BENGAL ACT No. III OF 1923.

## (THE CALCUTTA MUNICIPAL ACT, 1923)1.

[18th July, 1923.]

An Act to amend and consolidate the law relating to the Municipal Affairs of the Town and Suburbs of Calcutta.

Preamble

Whereas it is expedient to amend and consolidate, in the manner hereinafter appearing, the law relating to the municipal affairs of the town and suburbs of Calcutta:

And whereas the previous sanction of the Governor General required by section 80A, snb-section (3), of the 6, Government of India Act, has been obtained to the 7, passing of this Act;

It is hereby enacted as follows:-

, c. 37 10, c 101.

## PART I.

## CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Calcutta Muni-stent and comeipal Act, 1923.

(2) Except as is hereinafter otherwise expressly provided, it applies only to Calentia.

(3) It shall come into force on the first day of April, 1924:

Provided that, before the said first day of April, 1924, and at such time (after this Act is published in the Calcutta Gazette after having received the assent of the Governor General) as the Local Government shall appoint, a general election and appointment of Councillors shall be held and made in the manner provided in this Act, and such election and appointment shall be deemed to have been held and made under the provisions of this Act, but such election or appointment shall not take effect until the said first day of April. For the purposes of such election, the Chairman of the Corporation shall exercise and perform the same powers and duties in Calentia, as are conferred or imposed by or under this Act on the Executive Officer.

Explanation.—In this proviso, as elsewhere in this Act, the word "Calcutta" includes the area added to Calcutta as defined in clause (1) of section 3.

<sup>1</sup> For Statement of Objects and Itemsons, see Calcutta Gazetts, 1921, pt. 1V, pp. 273-386, for Report of Select Committee, see Calcutta Gazette, Extraordinary, dated the Jibh January, 1953, pp. 3-17, and for proceedings in Construct, set the Long Heyslattice Const. Vol. VII. and VIII. pp. 28 and 27 and 37-168, and 1973, Vol. XI. No. 1, and Vol. XI, No. 1, pp. 19-36, e1-10, 185-22, 33-23-23, 29-13, 29-14-22 and tive-57; and Vol. XI. No. 4, pp. 46-2 and 68-143. See also the Calcutta Manuerpal (No. II) Act, 1932 (Dec. 26.2 Al of 1973).

, Ben. Act III

(Part I.—Chapter I.—Preliminary.—Section 2.)

of enactand

2. (1) The following enactments are hereby repealed, namely :-

(a) the Calcutta Municipal Act, 1899.

(b) the Calcutta Municipal (Loans) Act, 1914, and

(c) the Calcutta Municipal (Amendment) Act, 1917. of 1914, Ben. Act 1 of 1917.

(2) In the area added to Calcutta-

(a) the Bengal Municipal Act, 1884, and (b) the Bengal Food Adulteration Act, 1919,

shall be deemed to be repealed.

Ben Act III of 1884. Ben Act VI of 1919,

Ben, Act 111

Ben, Act III

of 1899. Ben. Act 1V

(3) Every budget passed, loan taken, assessment, plan of a projected public street, measurement or division made, standard plan of a bustee approved, license, permission or sanction granted and debenture or notice issued under the Calcutta Municipal Act, of 1879, 1899, shall, so far as it is in force at the commencement of, and is not inconsistent with, this Act, be dremed to have been respectively passed, taken, made, approved, granted or issued under this Act, and shall (unless previously altered, modified, cancelled, repaid, suspended, surrendered or withdrawn, as the case may be, under this Act) remain in force for the period (if any) for which it was so passed, taken, made,

approved, granted or issued.

(4) Except as the Local Government may otherwise, by notification in the Calcutta Gazette, direct, all rules, by-laws, regulations, orders, directions and powers made, issued or conferred under the provisions of the Calcutta Municipal Act, 1899, and in force at the date of the commencement of this Act, shall apply to the area added to Calcutta in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers (if any) made, issued or conferred under either of the Acts repealed in such area under sub-section (2), and every appointment made in the area added to Calcutta under either of the said Acts shall, so far as it is not inconsistent with the provisions of this Act, continue in force, and be deemed to have been made under the provisions of this Act, unless and until it is superseded by any appointment made under this Act.

(5) The Local Government may, by notification in the Calcutta Gazette, appoint a person to exercise and perform the powers and duties which are conferred or imposed by or under this Act on the Executive Officer until that officer is appointed under section 51, sub-section (1).

## (Part I.—Chapter I.—Preliminary.—Section 3.)

3. For the purposes of this Act, unless there is anything repugnant in the subject or context,—

(1) the expression "area added to Calcutta" "Area added to means—

(i) the Maniktala Municipality;

(ii) the Cossipur-Chitpur Municipality;

(iii) the Garden Reach Municipality;

(iv) the new Dock Extension area, vested in the Commissioners of the Port of Calcutta, for the construction of King George's Dock and the works in connection therewith and lying partly within the jurisdiction of the District Board of the 24-Parganas and partly within the jurisdiction of the Sonth Subarban Manicipality; and

(v) that portion of the Tollygani Municipality which comprises the Ballygani Pumping Station and the High Level

Ontfall Sower;

(2) an article shall be deemed to be "adultora- "Adultora- "Adultora- "Adultora-

(a) in the ease of drugs-

(i) if, when it is sold or exposed for sale under or by a name recognised in the British, German, American or any other Pharmacopæia which the Local Government may specify by notification in the Calculta Gazette, it differs from the standard of strength, quality or purity laid down in the said Pharmacopæia, unless the standard of strength, quality or purity of such drug be plainly stated on the bottle, box or other receptacle, or

(ii) if its strength, quality or parity falls below the professed standard under which it is sold or exposed

for sale;

(b) in the case of confectionery-

if it contains any mineral substance or poisonous colour or flavour or other ingredients deleterious or detrimental to health; and.

[Bon, Act III

# (Part I.-Chapter I.-Preliminary.-Section 3.)

- (c) in the case of food-
  - (i) if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, or
  - (ii) if any substance has been substituted wholly or in part for the article, or
  - (iii) if any valuable constituent of the article has been wholly or in part abstracted, or
    - (iv) if it is mixed, coloured, powdered, coated or stained in a manner whereby damage or inferiority is concealed, or
  - (v) if it does not comply with the standard prescribed therefor hy or under this Act or under any other law for the time being in force, or
  - (vi) if it contains or is mixed or diluted with any substance in any quantity to the prejudice of the purchaser or consumer or in any proportion which diminishes in any manner its food value or nutritive properties as compared with the same in a pure or normal state and in an undeteriorated and sound condition, or
  - (vii) if it contains any added poisonous or other added delections ingredient which may render such article injurious to health, or
- (viii) if it is not of the nature, substance or quality which it purports or is represented to be:
- (3) "agent" in section 46 and in Schedule II includes an election agent;
- (4) "assessment-hook" means the municipal assessment book prescribed by section 143, and includes any books subsidiary thereto;
- (5) "bazar" means any place of trade (other than a market) where there is a collection of shops or watchouses which the Corporation may, by resolution, declare to be a bazar;

gent."

eesmen

g-ar, "

of-1923.]

## (Part 1.—Chapter 1.—Preliminary.—Section 3.)

(6) "budget-grant" means a sum entered on the expenditure side of a Budget Estimato which has been finally adopted, includes also any snm by which a hudgetgrant is at any time increased by a transfer under clause (c) of sub-section (1) of section 95 :

" Badget-

(7) "building" includes a house, out-house, stable, nrivy, urinal, shed, but, wall (other than a houndary wall not exceeding ten feet in height) and any other such structure. whether of masoury, bricks, wood, mud, metal or any other material whatsoever, but does not include a hogla or other similar kind of temporary shed erected on coremonial festive occasions:

" Building."

(8) "building-line" means the line up to which the main wall of a huilding abutting on a street or a projected public street may lawfully extend;

" Building.

(9) "building of the warehouse class" means a \*\*Eulding of huilding the whole, or a substantial part of class." \*\*warehouse the substantial part of class." which, is used, or intended to be used, as a watchouse, factory, manufactory, hrewery, or distillery, or for any similar purpose, which is neither a "domestic building," nor a "public building" as defined in this section, and includes a but used or intended to be used for any of the purposes mentioned in this clause:

(10) "bustee" means an area containing land occupied by, or for the purposes of, any collection of huts" Bustee."

- (a) standing on a plot of land not less than ten cottahs in area and bearing one
  - number in the assessment book, or (b) standing on two or more plots of land which are adjacent to one another and exceed in the aggregate one bigha in arca:
- (11) "Calcutta" includes the area added Calcutta and means the area described in Schedule I and any other area which the Local Government may include in that schedule on the issue of a notification in the Calcutta Gazette nnder section 543;

"Calcutta."

(Part I.-Chapter I.-Preliminary.-Section 3.)

"Candidate."

(12) "candidate" in section 46 and in Schedule II means a porson who has been nominated as a candidate at any election of a Councillor or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election:

(13) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a jinrick-

" Carriage."

shaw, but does not include a bicycle and a tricycle (other than a motor bicycle or motor tricycle), or a perambulator or other form of vehicle designed for the conveyance of small children;

(14) "cart" means any cart, hackery or wheoled vehicle with or without springs, which is

" Cart "

(15) "connected-privy" means a privy which is directly connected with a sewer;(16) "connected-arinal" means a prival which

and includes a hand-cart:

not a "carriage" as defined in this section,

"Connected-

is directly connected with a sewer;

(17) "corrupt practice" means any act deemed to be a corrupt practice under the provisions

"Corrupt practice."

of Schedule II;

(18) the expression "cubical extent" when used with reference to the measurement of a building, means the space contained within the external surfaces of its walls and roof

"Cubical extent "

and the upper surface of the floor of its lowest or only storey;

(19) "dairy" includes any farm, cattle-shed, cowhouse, milk-store, milk-shop, or other place from which milk is supplied only on, or for, sale or in which milk is kept, or used for the purposes of sale, or manufacture into butter, ghee, cheese, cards, or diled or condensed

" Dairy."

milk, for sale, and in the case of a dairyman, who does not occupy any premises for the sale of ntlk, includes the place where he keeps the

## (Part I.-Chapter I.-Preliminary.-Section 3.;

vessels used by him for the sale of milk, hut does not include—

- (a) a shop from which milk is not supplied otherwise than in properly closed and unopened receptucles in which it was delivered to the shop, or
- (b) a shop or other place in which milk is sold for consumption on the premises only, or
- (c) a shop or place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place;
- (20) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail:

(21) "dangerous disease" means-

(a) cholera, plague, small-pox, eerebrospinal meningitis and diphtherla; and

- (b) any other epidemic, endemic or infections disease which the Local Government may, by notification in the Calculta Gazette, declare to be a dangerous disease for the purposes of this Act;
- (22) "depôt" means a place where bulky articles are stored, whether for sale or otherwise but not for domestic consumption, in quantities exceeding fifty manuds;

(23) "domestic building" includes a dwellinghouse and any other masonry building which is neither a "building of the warehouse class" nor a "public building," as defined in this section, nor a idace exclu-

sively used for private worship,

(24) a supply of water for "dame-ste purposes"

shall not be deemed to include a supply—

- (a) for animals or for washing carriages, where such animals or carriages are kept for sale or hire.
- (b) for any trade, manufacture or business,
- (c) for fountains,
- (d) for watering gardens or streets.

"Pairyman"

"Dangerous

□ Depåt

\* Domestic

"Dorrette par-

"O wellinghouse"

"Edible on or

"Election agent "

"Executive

"Food."

"Habitable

" Half-year."

" House-drain."

" House-gully."

room.

Ben. Act. III

(Part I.—Chapter I.—Preliminary.—Section 3.)

(e) for any ornamental or mechanical purposes,

(f) for building purposes, or

(g) for flushing purposes, or

(g) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other

a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water; "Drug" (26) "drug" means any substance used as medicine or in the composition or preparation

(26) "Grig" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use; (27) "dwelling-house" means a masonry building constructed, used or adapted to be used

constructed, used or adapted to be used wholly or principally for human habitation; (28) "edible oil or fat" means the oil or fat commonly used as wholesome foodstuff, which is free from rancidity and decomposition, and does not contain any mineral oil, pakra oil or any other substance injurious to health;

(29) "election agent" means the person appointed under section 27, sub-section (2), by a candidate as his agent for an election;
(30) "Executive Ollicer" means the Ohiof Executive Officer appointed under section 51, sub-section (1), and includes an acting Executive Officer appointed during his tomporary absence;

(31) "food" includes every article used for food

or drink by man, other than drugs or water, and any article which ordinarily enters into

or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;

(22) "habitable room" means a room constructed or adapted for human habitation;

(33) "half-year" means half of a financial year;

(34) "house-drain" means any drain of, and used for the drainage of, one or more premises;

(35) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to municipal servants or to persons

## (Part 1.—Chapter I.—Preliminary.—Section 3.)

employed in the cleansing thereof or in the removal of such matter therefrom, and includes the air space above such passage or land:

(36) "hut" means any building, no substantial part of which, excluding the walls up to a height of eighteen inches above the floor or floor level, is constructed of masonry, steel, " Hut "

iron or other metal: (37) "inhabited room" means a room in which "In some person passes the night, or which is used as a living room, and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room;

"Inhabited

(38) "label" includes any tag, hrand, mark or statement in writing on or attached to or used in connection with any package containing any article of food, drug or substance;

"Label "

(39) "market" includes any place where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food:

" Market "

(40) "masoury building" means may building other than a lint, and includes any structure a substantial part of which is made of masonry, steel, iron or other metal;

"Masonry building '

(41) "milk" includes cream, skimmed milk, separated milk and condensed and dessicated

" Milk," " Misbranded.

milk : (42) all drugs or articles of food which enter into the composition of food, the package or label of which bears any statement. design or device regarding such drugs or articles or the ingredients or substances contained therein as may be false or may mislead in any particular, shall be deemed to be "misbranded"; and a drug or an article of food shall also be deemed to be misbranded, if it is offered for sale under the name of another drug or article of food; (43) "municipal drain" means a drain vested in

the Corporation: (44) "municipal market" means a market belong-

"Municipat " Municipal

ing to or maintained by the Corporation; (45) "municipal slangliter-house" means slaughter-house belonging to or maintained slaughter-house"

" Manieipat

by the Corporation;

Ben. Act: III

(Part I.-Chapter I.-Preliminary.-Section 3.) (c) for any ornamental or mechanical purpose,

(f) for building purposes, or

(g) for flushing purposes: (25) "drain" includes a sewer, a house-drain, a " Prain " drain of any other description, a tunnel, a calvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water:

(26) "drug" means any substance used as medicine or in the composition or preparation medicines, whether for internal or external use: (27) "dwelling-house" means a masonry building

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section (1), and includes an acting Executive Officer appointed during his temporary absence; (31) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation

tive Officer appointed under section 51, sub-

of human food; and also includes confec-

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the purpose of serving us a drain or of affording access to a privy, urinal, cesspool or other receptacle for illthy or polluted matter to municipal servants or to persons

" Drug."

"Owelling.

"Edible oil or fat.

house "

"Election agent "

"Executive Oheer"

"Food."

"Habitable

room. "Half-year."

" House-drain."

" House gully."

# (Part 1.-Chapter 1.-Preliminary.-Section 3.)

employed in the cleansing thereof or in the removal of such matter therefrom, and includes the air space above such passage or land:

(36) "hut" means any building, no substantial part of which, excluding the walls up to a

height of eighteen inches above the floor or floor level, is constructed of masonry, steel, iron or other metal:

(37) "inhabited room" means a room in which room, some person passes the night, or which is used as a living room, and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room;

(38) "label" includes any tag, brand, mark or statement in writing on or attached to or used in connection with any package containing any article of food, drug or substance;

(39) "market" includes any place where persons "Market" assemble for the sale of ment, fish, fruit, vegetables. Ilve-stock or any other article of food:

(40) "masonry building" means any building other than a hut, and includes any structure a substantial part of which is made of masonry, steel, iron or other metal;

(41) "milk" includes cream, skimmed milk, separated milk and condensed and dessignted milk:

(42) all drugs or articles of food which enter into the composition of food, the package or label of which bears any statement, design or device regarding such drugs or articles or the ingredients or substances contained therein as may be false or may mislead in any particular, shall be deemed to be "misbranded"; and a drug or an article of food shall also be deemed to be misbrauded, if it is offered for sale under the name of another drug or article of food; (43) "municipal drain" means a drain vested in

the Corporation; (44) "municipal market" means a market belong-

ing to or maintained by the Corporation : slaughter-house" means (45) "municipal slaughter-house belonging to or maintained slaughter-house" by the Corporation:

" Hat "

"Inhabited

"Label"

"Masonry bullding.

"Milk"

" Misbranded.

"Municipal

" Municipal market "

"Municipal

# (Part I.-Chapter I.-Preliminary -Section 3,)

" New building "

- (46) the expression "new building" means and includes—
  - (a) any building erected from the ground upwards after the commencement of this Act.
  - this Act.
    (b) any building which, having collapsed or been demolished or burnt down for more than one-half of its cubical extent, is re-erected wholly or partially after the commencement of this Act, whether the dimensions of the re-erected building are the same as those of the original building or not,
  - (c) any hut which is converted into a masonry building after the com-
  - mencement of this Act, and

    (d) any building not originally constructed for human habitation which is
    converted into a place for human
    habitation after the commencement
    of this Act.
    - Explanation.—Sub-clause (b) applies whether more than half the cubical extent has collapsed or been demolished or burnt down at the same time or at different times:

"Nuisance

(47) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

"Occupier"

(18) "occupier" includes any person for the time being paying, or liable to pay, to the owner the rent or, any portion of the rent of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in, or otherwise using, his own land or building and also a rent-free tenant;

"Offensive

(43) "offensive matter" means kitchen or stable refuse, dung, dirt, putrid or patrolying substances, and lith of any kind which is not included in "sewage" as defined in this section;

· Swree.

(50) "owner" includes the person for the time being receiving the rent of any hand or building or 16 any part of any land or building whether on his own account or as

## (Part 1.—Chapter I.—Preliminary.—Section 3.)

agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver, or who would so receive such reut if the land, ouilding or part thereof were let to a tenant;

(51) "package" includes every means by which goods for carriage or for storage or for sale are caused in covered, enclosed, contained or packed :

"Package,"

(52) "party-wall" means a wall forming part of a building and used or constructed to be used for the support and separation of adjoining buildings belonging to different owners or constructed or adapted to be occupied by different persons;

" Party-wall,"

"platform," when (53) the word used with reference to a privy, means the surface containing the aperinre through which the sewage passes into the receptacle or sewer:

"Platform "

(54) "private street" means any street, road, lane, gully, atley, passage or square which "Private street" is not a "public street" as defined in this section, and includes any passage securing necess to four or more premises, belonging to the same or different owners, but does not include a passage provided in effecting partition of any masoury building amongst joint owners where such passage is not less than eight fect wide:

(55) "public analyst" means any person to be appointed by the Corporation to perform "Public analyst" the duties and to exercise the powers of a public analyst prescribed by this Act:

(56) "public building" means a masonry building constructed, used or adapted to be used-

"Public bulld-

- (a) as a place of public worship, or as a school, college or other place of instruction (not being a dwelling-house so used), or as a hospital, work-bouse, public theatre, public hall, public concert-room, public ball-room, public lecture-room, public library or public exhibition room, or as a public place of assembly, or
- (b) for any other public purpose, or

# (Part 1.-Chapter 1.-Preliminary.-Section 3.)

(c) as an hotel, lodging-house, home, refuge, or shelter, where the building exceeds in cubical extent two hundred and fifty thousand cubic fect or has sleeping accommodation for more than one hundred persons;

"Public street."

(57) "public street" means any street, road, lane, gully, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way,

and includes--

(a) the roadway over any public bridge or causeway.

(b) the footway attached to any such street, public bridge or causeway, and (c) the drains attached to any such street,

public bridge or causeway.

and, where there is no drain attached to any such street, shall, unless the contrary is shown, be deemed to include also, all land up to the outer wall of the premises abutting on the street, or, if a street alignment has been fixed, then up to such alignment;

"Ratiway."
"Registered
medical practi-

" Reside "

(58) "railway" includes a tramway; (59) "registered medical practitioner"

medical practitioner registered under the Bengal Medical Act, 1914;

(60) (a) a person shall be decided to "reside" in violing any dwelling-house or litt which, or some portion of which, he sometimes, although not uninterrantedly, uses as a sleeping apartment, and

(b) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of return-

" Rubbish. "

"Fortice-prier."

- ing to it;
  (61) "rubbish" means thist, ushes, broken bricks,
  mortar, broken glass, and refuse of any
  kind which is not "offensive matter" as
  defined in this section;
- (62) "service-privy" means a fixed privy which is cleansed by hand, but does not include a movable commode;

t Bergal Cole, Vol 111

## (Part I.-Chapter 1,-Preliminary.-Section 3.)

(63) "sorvice-minal" means a fixed arinal which

"Bervicegrinal."

is eleansed by hand; (64) "sewage" means night-snil and other contents of privies, urinals, cesspools or

"Sewage"

" Sky-sign."

drains, and includes trade effluents and discharges from manufactories of all kinds:

(65) "sky-sign" means any word, letter, model, sign, device or other representation, in the unture of an advertisement, unnonneement or direction, which is supported on or attached to any post, pole, standard, framework or other support wholly or in part npon, over or above any building or structure and which is wholly or in part visible against the sky from any point in any street or public place, and includes-

(a) every part of such support, and

(b) any balloon, paraclinte or similar dovice employed wholly or in part for the purposes of any advertisement or announcement on, over or above any building, structure or ercetion of any kind, or nn or over any street or public place;

but shall not be deemed to include-

(i) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purposes of any advertisement or announcement,

(ii) any sign on any board, frame or other contrivance scenrely fixed to or on the top of the wall or parapet of any building, nn the cornice or blocking-course of any wall, or to the ridge of a roof, if such contrivance he of one continuous face and not open work and does not extend in height more than three feet above any part of such wall, parapet or ridge, or

(iii) any representation which relates exclusively to the husiness of a railway company, and which is placed whol-

ly upon or over any railway, railway station, yard, platform or station approach, or premises belonging to a railway company, and which is also so placed that it could not fall

into any street or public place;

Ben, Act III

(Part I.—Chapter I.—Preliminary.—Part II.— Chapter II.—The Corporation.—Sections 4,5.)

"Blaughter-

(66) "slaughter-house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs for the purpose of selling the flesh thereof as meat;

"Street,"
"Street alignment," (67) "street" means a public or private street;(68) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land; and

"Çear."

(69) "year" means a financial year.

Power to Corporation to decide whether area is a gustee or not

4. The Corporation may decide whether any particular area is or is not a "bustee" as defined in section 3, and their decision shall be final.

# PART II.

## CONSTITUTION AND GOVERNMENT,

## CHAPTER II.

# THE CORPORATION.

# Constitution.

Constitution and incorporation of the Corpora-

tion.

- 5. The Corporation shall consist of-
  - (a) seventy-five elected Councillors,
  - (b) ten Councillors to be appointed by the Local Government,
    - (i) to secure the association in the municipal administration of persons specially fitted in the opinion of the Local Government for appointment as Councillors, and
    - (ii) to secure the representation of minorities including the backward and labouring classes, and
  - (c) five Aldermen to be elected by the Councillors in the manner provided in section 9,

and shall, by the name of "the Corporation of Calentta", be a body corporate and have perpetual succession and a common scal, and may by such name suc and be such.

# (Part II.-Chapter II.-The Corporation.-Sections 6-9.)

All property, movable and immovable, and all interests of whatsoever nature or kind therein, vested in the in the Corporation of Calentta as constituted under Actu the Calcutta Municipal Act, 1899, at the commencement of this Act, with all rights of whatsoever description used, enjoyed or possessed by the said Corporation, and all rights and interests in immovable property situated within the area added to Calentta which are now vested in, or held in trust for, the Commissioners of the Maniktala, Cossipur-Chitpur, Garden Reach and Tollygani Municipalities and all movable property now vested in or held in trust for, and all sums due at the commencement of this Act, whether account of rates, tolls, taxes and fees or otherwise, to the Commissioners of the Maniktala, Cossipar-Chitpur or Garden Reach Municipalities, shall be deemed to be vested in the Corporation as constituted under this Aet.

Property vested

All contracts made and liabilities incurred by the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1899, or by the Commissioners of the Maniktala or Cossipur Chitpur or Garden Reach Municipalities, may, so far as they are outstanding at the commencement of this Act, be enforced by and against the Corporation of Calcutta as constituted under this Act

Teansfer lia hiiitlea

8. The elected Councillors shall be elected by the constituencies specified in Schedule III, and the number of Councillors to be elected by each constimeney and the number of seats to be reserved for Muhammadans in any constituency shall be as stated therein against that constituency.

Constituencies

9. (1) The tive Aldermen referred to in clauso(c) of section 5 shall be elected at a meeting of the elected and appointed Conneillors to be held after the publication of the results of a general election and of the appointments made at that time within such period as the Local Government may fix and in such manner as they may prescribe, and such election shall take effect from the date on which the general election takes effect:

Provided that no Conneillor shall be entitled to be

elected as an Alderman.

(2) If there is any dispute as to the election of an Alderman, the matter shall be referred to for the decision of the Local Government, whose decision shall be final. If the Local Government set aside any such election, a fresh election shall be held.

Election of Al lermen

[Ben! Act ill

# (Part II.—Chapter II.—The Corporation.— Sections 10—12.)

Annual election of Mayor and Deputy Mayor. 10. (1) The Corporation shall, at their first-meeting in each year, elect two of their number to be Mayor, and Deputy Mayor, respectively, until the first meeting in the next following year.

(2) If any vacancy occurs in the office of Mayor or Deputy Mayor, the Corporation shall elect one of their number to fill such vacancy, and the Mayor or Deputy Mayor so appointed shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue in office.

# Powers, duties and functions of the Corporation.

Annual administration report and statement of accounts by the Corporation.

Delegation lorporation's

unctions.

11. (1) The Corporation shall, as 'soon as may be after each first day of April, cause to be prepared a detailed report of the municipal administration of Calcutta during the previous year, together with a statement showing the amounts of the receipts and disbursements, respectively, credited and debited to the Municipal Fund during the said year, and the balance at the credit of the said fund at the close of the said year; and a report for the same period from the fiead of each department of the Corporation shall be incorporated in the said report.

(2) The Corporation shall thereupon forward a copy of the said report and statement to each Councillor and Alderman and to the Local Govern-

ment

(3) The Corporation shall, as soon as may be thereafter, consider the said report and statement, and a copy of the proceedings of any meeting at which the same may be discussed shall be forwarded by the Corporation to the Local Government.

(4) Copies of all the aforesaid documents shall be obtainable by any person requiring the same, on payment of such reasonable fee for each copy as the

Corporation may determine.

12. (1) The Corporation may, by a resolution passed at a special meeting, delegate to the Executive Officer any of the Corporation's powers, duties or functions under this Act or under any rule or by-law made thereunder.

(2) The Executive Officer may, by a general or special order in writing, re-delegate to any municipal officer any of the powers, duties or functions which have been delegated to him by the Corporation under sub-section (1).

(3) The Executive Officer may, by a general or special order in writing, delegate to any municipal

# (Part II.-Chapter II.-The Corporation.-Section 13.)

officer any of the powers, duties or functions conferred or imposed upon or vested in him under this Act or under any rule or by-law made thereunder, except those conferred or imposed upon or vested in him under section 140 of this Act:

Provided that when, by any order made under this sub-section, any power to enter premises between sunset and sunrise is delegated to any municipal officer, the name of such officer, as well as his official

designation, shall be specified in the order.

(4) The exercise or dischargo by the Executive Officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be preseribed in the said order, and also to control and rovision by the Corporation; and the exercise or discharge by any municipal officer of any powers, dutles or functions delegated to him under subsection (2) or snb-section (3) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and rovision by the Executive Officer:

Provided that, if, in delegating any of their powers, duties or functions to the Executive Officer under subsection (1) the Corporation direct that the action of that officer shall be final, then the exercise or discharge by him of the power, duty or function so delegated shall not be subject to control or revision by tho

Corporation.

13. The exercise or performance by any municipal officer of any power conferred or duty imposed by functions to be or under this Act which will involve expenditure into the next shall, except in any case specified in the proviso to sary expenditure. section 85, be subject to the following conditions. namely:-

(a) such expenditure, so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget-grant, and.

(b) if the exercise of such power or the perform-ance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, liability for such expenditure shall not be incurred without the sanction of the Corporation :

Provided that clause (b) shall not apply where the proposed expenditure is covered by a current

[Ben. Act III

# (Part 11.—Chapter II.—The Corporation.— Sections 14—16.)

budget-grant and is such that it can be discontinued in the next year's budget.

# Control by the Local Government.

Sanction of Local Government required to projects costing two and a half lakhs or over.

- 14. When any project is framed by the Corporation for the execution of any work or series of works the entire estimated cost of which amounts to two and a half lakhs of rupees or more, then, notwithstanding that the cost may be included in a Budget Estimate as finally adopted under Chapter VII.—
  - (a) the work shall not be commenced until the project has been sanctioned by the Local Government, and.
  - (b) if any material change be made in the project after it has been so sanctioned, such change shall not be carried into effect unless and until it is sanctioned by the Local Govornment.

Power to Local Government to require returns, I

- ocal 15. The Local Government may require the Cor-
  - (a) any return, statement, estimate, statistics or other information regarding any matter under their control;

(b) a report on any such matter; or

(c) a copy of any document in their charge.

Power to Local
Government to
depute ufficers to
make inspection
or examination
and report

- 16. (1) The Local Government may depute any officer or officers to make an inspection or examination of any department, office, service, work or thing under the control of the Corporation, and to report to them the result of such inspection or examination.
  - (2) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of Calentta, and may require the Corporation—
    - (a) to produce any record, correspondence, plan or other document which is in their possession or under their control;
    - (b) to furnish any return, plan, estimate, statement, account or statistics; or
    - (c) to furnish any report.
- (3) Every requisition made under sub-section (2) shall be complied with by the Corporation without delay.

# (Part II.-Chapter II.-The Cornoration.-Sections 17, 18.)

17. If, on receipt of any document immission research under section 15 or any report submitted under figure Corporation 15 or any report submitted under figure Corporation 15 or any report submitted under figure Corporation 15 or any report of the corporation section 16, the Local Government are of opinion tion that—

- (a) any of the duties imposed by or under this Act has not been performed or has been performed in an imperfect, inefficient or nusnitable manner, or
- (b) adequate lingueial provision has not been made for the performance of any such duty,

the Local Government may, by written order, direct the Corporation within a period to be specified in the order.-

- (i) to make arrangements to their satisfaction for the proper performance of the duties referred to in clause (a), or to make financial provision to their satisfaction for the performance of any such duty, as the ease may be, or
- (ii) to show cause to the satisfaction of the Local Government against the making of such urrangements or provising, as the case may be.
- 18. (1) If, within the period fixed by any order Procedure by Issued under section 17. any action directed under where Corporaclause (i) of that section has not been duly taken, or tion fail to take cause has not been shown as aforesaid, the Local Government may, by order,-

(a) appoint some person to take the action so directed.

(b) fix the remuneration to be paid to him, and

- (c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund and, if necessary, that the consolidated rate or other taxes anthorized by Part IV shall be levied or increased. but not so as to exceed any maximum prescribed by that part.
- (2) The person appointed under sub-section (1) may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred by or under this Act which are specified in that behalf in the order issued under sub-section (1).

(3) The Local Government may, in addition to or instead of directing under sub-section (1) the levy or increase of the consolidated rate or other taxes, direct, by notification in the Calcutta Gazette, that any sum Fower of Local Government to

annul proceedings

Corporation

Qualifications

of electors

Ben.:Act III

(Part II.—Chapler II.—The Corporation.—Chapler III.—Election and appointment of Councillors and Aldermen.—Sections 19, 20.)

of money which may, in their opinion, be required for giving effect to any order issued under that subsection he borrowed by way of debenture on the seenrity of the said rate or all or any of the said taxes, or of both the said rate and all or any of the said taxes, at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of Chapter VIII shall apply to any loan raised in pursuance of sub-section (3).

t Local 19. The Local Government may, after consideratine tion of any representation which may be made by the Corporation, by written order, annul any proceeding of the Corporation which they consider not to be in conformity with law or with the rules or by-laws in force thereunder, and may do all things necessary to seenre such conformity.

# CHAPTER III.

ELECTION AND APPOINTMENT OF COUNCILLORS AND ALDERMEN.

Qualifications of Electors, Councillors and Aldermen.

20. (1) Subject to the provisions of any other law on the subject for the time being in force, every person shall be qualified as an elector of a general constituency specified in Schedulo 111 who owns or occupies or resides in any premises, or excreises any profession, trade or calling, within that constituency.

if such person-

(a) being [or having been] the owner or eccupier of any premises liable to be assessed to the consolidated rate under Chapter X, or being [or having been] the owner or person in charge of any carriage or animal liable to the tax under Chapter XI, or being [or having been] a person liable to the tax on professions, trades or callings under Chapter XII, or, in the case of the first general election held under this Act, under the corresponding chapters of the Calcutta Municipal Act, 1899,—

has, as such owner, occupier or person.

as the case may be, paid directly to the

The mide" or taying tem" in a 21 (a) were inserted by the Cakania Municipal (No II) Act, 1212 (Ben. Act XI of 1913), 3-3

#### of 1923,]

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 20.)

Corporation a sum not less than twelve rupees in respect of such consolidated rate, or in respect of such taxes, or in respect of both such rate and taxes:

<sup>2</sup> [Provided that such payment has been made during and in respect of the year (or any portion of the year) last preceding the year in which the election is held.]

Provided also that for the purposes of clause (a) the members of the Auxiliary Force who are exempted by the Corporation from paying the tax on horses used for the force shall be considered to have paid

sneh tax; or

(b) being or having been tho occupier of any premises valued for assessment purposes under this Act or, in the case of the first general election held under this Act, under the Calentta Municipal Act, 1899, or of a portion of any such premises bas, at any timo during the year last preceding the year in which the election is held, paid rent for such occupancy for at least six months during the said year at a rate not less than twenty-five rupees per monsem, and has on application to the Executive Officer had his name entered in a Register to be maintained for the purpose.

Ben. Act 111 of 899.

Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf; or]

<sup>3</sup>[(c) being or having been, for not less than six consecutive months during the year last preceding the year in which the election is held, the owner of a hut in a bustee valued for assessment purposes under Chapter X, or, in the ease of the first general election held under this Act, under the corresponding Chapter of the Calcutta Municipal Act, 1899, and on

<sup>1</sup> The first proviso to s 20 was omitted, by the Calcutta Municipal (No II) Act 1923 (Ben. Act XI of 1923), 8

Ben. Act III

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 21.)

> account of which a sum of not less than twelve rupees has been paid during the said year in respect of the consolidated rate, has on application to the Executive Officer had his name entered in a Register to be maintained for the purpose:

Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf.

(2) Subject to the provisions of any other law on the subject for the time being in force, a company, body corporate, firm, joint family or other association of individuals, as such, shall be qualified as an elector, provided that such company, body corporate, firm, joint family or other association of individuals possess the qualifications prescribed by clauses (a), (b) or (c) of sub-section (1).

Elections in area added to Calcutta before the second general election.

21. (1) Subject to the provisions of any other law on the subject for the time being in force and notwithstanding anything to the contrary contained

in section 20,—

(i) in any area which was included within the Maniktala Municipality or the Cossipur-Chttpur Manicipality before the commencement of this Act and which under this Act is included in any of the constituencies mentioned in column I of Schedule IV—

(a) any person whose name was entered in the general register of voters prepared under the provisions of section 15 of the Bengal Municipal Act, 1881, and the rules made thereunder for the last election held in

the said municipalities, and

(b) any female person who may apply to the Executive Officer, claiming to be registered as an elector and starting her qualifications therefor, and who satisfies the Executive Officer that she possesses the qualifications prescribed in the case of males in the rules made under section 15 of the Bengal Municipal Act, 1884.

shall be decured to be qualified as an elector for the purposes of the first general election

t 111

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 21.)

to be held under the provise to sub-section (3) of section 1, or any by-election held prior to the second general election in that constituency, and shall have the rights and be subject to the disabilities of an elector under this Act;

(ii) in any area added to Calentta which was included within the Sonth Suburban Municipality before the commencement of this Act, and which under this Act is included in any of the constituencies mentioned in

column 1 of Schedule IV-

(a) any porson whose name was entered in the general register of voters prepared under the provisions of section 15 of the Bengal Municipal Act, 1881, and the rules made thoreunder, for the last election held in the South Suburban Municipality, so far as the names in the said general register relate to the area added to Calcutta, and

(b) any female person who may apply to the Executive Officer claiming to bo registered as an elector and stating her qualifications therefor, and who satisfies the Executive Officer that she possesses the qualifications prescribed in the case of males in the rules made nuder section 15 of the Bengal Municipal Act, 1884.

if his or her qualifications arose by virtuo of rates paid on account of a holding lying within (or his or her occupation of a holding within) the said area, shall be entitled to vote at the first general election referred to in this sub-section or any by-election in the said constituency held prior to the second general election in that constituency, and shall have the rights and be subject to the disabilities of an elector under this Act; and

(iii) in any area added to Calcutta which was included in the Garden Reach Municipality before the commencement of this Act and which under this Act is included in any of the constituencies mentioned in column I of Schedule IV—

any male or female person who may apply to the Executive Officer

[Ben. Act.III :

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 22.)

claiming to be registered as an elcetor and stating his or her qualifications therefor, and who satisfies the Executive Officer that he or she possesses the qualifications prescribed in the case of males in the rules made under section 15 of the Bengal Municipal Act, 1884, shall be entitled to vote at the first general election referred to in this sub-section or any by-election in the said constituency held prior to the second general election in that constituency and shall have the rights and be subject to the disabilities of an elector under this Act.

(2) The electoral rolls for the constituencies in which such areas are included shall be prepared so as to comprise the names of the male and female persons who may be found to be qualified as electors under the provisions of sub-section (I) in respect of the areas referred to in that sub-section, subject to the provisions of section 25 and the rules made thereunder, so far as may be necessary, in respect of all claims and objections to the entry of such names in

the electoral rolls.

(3) Any person entitled to vote under this section shall be deemed to be registered on the electeral roll of the Corporation and, subject to the provisions of this chapter, to be eligible for election as a Councillor.

(4) The Local Government may issue such orders as they may consider necessary to give effect to the provisions of this section in regard to the holding of the first general election or any by-election of any constituency referred to in sub-section (1) and in regard to any matters incidental or nucillary thereto.

22. (1) A person shall not be eligible for election

General dismalifications for einga Councillor r Alderman.

- or appointment as a Conneillor or for election as an Alderman if such person—
  - (a) has been adjudged by a competent court to be of unsound mind; or

(b) is under twenty-one years of age; or

(c) is an undischarged insolvent; or

(d) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or

### of 1923,]

- (Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 22.)
  - (e) is a municipal officer or servant, or a plumber or building surveyor licensed under this Act; or
  - (f) is President of the Tribnnal of the Board of Trustees for the Improvement of Calenta, or an assessor to that Tribnnal, or a Indage of a Court of Small Causes, or a Manicipal Magistrate, or is acting in any of those capacities; or
  - (g) has, directly or indirectly, by himself or by his partner or employer or any employe, any share or interest in any contract or employment with, by, or on behalf of, the Corporation:

#### Provided as follows :-

(a) notwithstanding anything contained in clause (g), no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest lu—

- (i) any lease, salo or purchase of land or any agreement for the same; or
- (ii) any agreement for the loan of money or any security for the payment of money only; or
- (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
  - (iv) any incorporated company which contracts with or is employed by the Corporation;
- (b) no Councillor or Alderman who bas, directly or indirectly, by himself or by his partner or employer or any employé, a share or interest in any matter or thing described in proviso (a), or who bas acted professionally on behalf of any person having such share or interest, shall vote or take any part in any proceeding relating to that matter or thing.
- (2) A person against whom a conviction by a criminal court for an offence involving moral turpitude and carrying with it a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be cligible for election or appointment for five years from the date of the expiration of the sentence.

(3) Notwithstanding anything contained in the xix Indian Elections Offences and Inquiries Act, 1920, if any person is convicted of an offence under x of Chapter IX-A of the Indian Penal Code punishable

Bon. Act III

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Sections 23, 24.)

with imprisonment for a term exceeding six months or is, in the course of any proceedings under section 46, found by the High Court to have committed a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II of Schedule II, such person shall not be aligible for election or appointment for five years from the date of such conviction or of the finding of the High Court, as the case may be; and a person found by the High Court in the course of any such proceedings as aforesaid to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election as a Councillor under this Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by the High Court in the course of any proceedings under section 46 or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for

five years from the date of such election :

Provided that any disqualification mentioned in sub-sections (2), (3) or (4) may be removed by an order

of the Local Government in that behalf.

Qualification for election as Councillor.

23. (I) No person shall be eligible for election as a Councillor to represent a general constituency specified in Schedule III unless his name is duly registered on the electoral roll of that or any other general constituency specified in that schedule, and unless, in the case of a seat reserved for Muhammadans, he is himself a Muhammadan.

(2) No person shall be eligible for election as a Councillor to represent a special constituency specified in Schedule III unless his name is registered

on the electoral roll of the constituency.

## The electoral roll.

General conditions of registration and disqualifications

24. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications specified in section 20 for an elector of that constituency and who is not subject to any of the following disqualifications, namely:—

(a) has been adjudged by a competent court to be of ansound mind; or

(b) is under twenty-one years of age:

Provided that the manager of a limite or the guardian of a minor appointed by the Court as such

(Part II.-Chanter III.-Election and appointment of Councillors and Aldermen.-Section 24.)

shall be entitled to have his name registered on the electoral roll as the representative of the lunatic or minor, if, but for the provisions of chanses (a) or (b) of sub-section (1) of section 22, as the case may be, such lunatic or minor would have been qualified for election.

(2) A company, hody corporate, firm, joint family or other association of individuals, as such, shall not be registered in its own name in the electoral roll. but if qualified as an elector, may obtain the registration of the name of nne of its members, as its representative on such roll.

(3) A person shall be entitled to have his name registered only once on the electoral roll of any constituency notwithstanding that he may possess more

than one qualification:

Provided that a person who is registered as the representative of any company, body corporate, firm, joint family or other association of individuals under sub-section (2) or as the manager of a lunutic or the guardian of a minor shall not therefore be incligible for registration in his individual capacity on the sime electoral roll.

(4) Chamber members of the Bengal Chamber of Commorcé, members of the Calcutta Trades Association. and Commissioners for the Port of Calcutta shall be qualified respectively as electors for the constituency comprising the Chamber, or Association or Trust of which they are such members.

Explanation -(a) "Chamber member" includes any person entitled to exercise the rights and privileges of Chamber membership on behalf of any firm, company, or other corporate body registered as such member.

(b) " Member " includes-

(i) in the case of a firm, any one partner in the firm or, if no such partner is present in Calcutta at the date fixed for the election, any one person empowered to sign for such firm, and

(11) in the case of a company or other corporate body, any one manager, director, or secretary of the company or corporate body.

(5) If any person is convicted of an offence under et XLV of Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, in the course of any proceedings under section 46, found by the High Court to have committed corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II of Schedule II, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years

[Ben. Act III

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 25.)

from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is, in the conrso of such proceedings as aforesaid, found by the High Court to have committed any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period:

Provided that the Local Government may direct that the name of any person to whom this sub-section applies shall be registered on the electoral roll.

Electoral roll

25. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who chains to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the revising authority.

(2) Subject to the provisions of this Act, the Local

Government shall make rules providing for-

(a) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;

(b) the time at which the roll shall be prepared;

(c) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates:

(d) the mode in which and the time within which claims and objections may be preferred;

(e) the constitution and appointment of revising authorities to dispose of claims and objections;

(f) the manner in which notices of claims or

objections shall be published;

(q) the place, date, and time at which and the manner in which claims or objections shall be heard;

and may make such rules to provide for other matters incidental or ancillary to the preparation, revision,

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Sections 26, 27.)

publication and regular maintenance of the roll as they may consider desirable. Such rules may be made as to rolls generally or any class of rolls or any particular roll.

(3) The orders made by the revising anthority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the Local Government

may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continne in force for a period of three years or for such less period as the Local Government may by rule prescribe, and after the expiration of such period a fresh roll shall be prepared.

(5) If a constituency is called upon to elect a Councillor or Councillors after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the

electoral roll for the constituency.

26. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a Conneillor or Councillors for that constituency.

Right to vote.

#### Elections

27. (1) Any person may be nominated as a candidate for election as a Conneillar for any constituency for which he is eligible for election under this Act.

Nomination of randidates.

- (2) On or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under section 32 for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.
- (3) A candidate who has been duly nominated shall within three days of his nomination deposit with the Executive Officer two bundred and fifty ripees which shall be hable to forfeithre if he withdraws his candidature within seven days of the date fixed for the election or if he fails to secure at the election at least ten per cent, of the votes cast. Failure to deposit the said amount shall render the nomination void.

[Ben. Act III

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Sections 28, 29.)

(4) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Uncontested elections.

- 28. (1) In any constituency in which one or more seats are reserved for Muhammadans, the following candidates, provided they are duly nominated, and have not withdrawn their candidature, shall be declared to be duly elected, that is to say:—
  - (a) if the number of Muhammadan candidates is not greater than the number of Muhammadan Councillors to be elected—all such Muhammadan candidates
  - (b) if the number of Muhammadan candidates is not less than the number of Muhammadan Councillors to be elected, and the total number of candidates, Muhammadan and non-Muhammadan, does not exceed the number of Councillors to be elected for the constituency—all such Muhammadan and non-Muhammadan candidates:

Provided that, if in any case referred to in clause (a) the number of non-Muhammadan candidates does not exceed the number of vacant seats not reserved for Muhammadans, all such non-Muhammadan candidates shall also be declared to be duly elected.

(2) In any constituency in which seats are not reserved for Mubammadans, if the number of candidates who are duly nominated, and have not withdrawn their cambidature, is not more than the number of Conneillors to be elected for such constituency, all such candidates shall be declared to be duly elected.

Procedure :

- 29. (1) In any case not provided for in section 28, a poil shall be taken.
- (2) Votes shall be given by ballot and in person. No votes shall be received by proxy.

(3) No votes shall be given either by the Govern-

ment or by the Corporation.

(4) In plural-Counciller constituencies every elector shall have as many votes as there are conceillers to be elected, but no elector shall give more than one vote to any one candidate.

(5) Votes shall be counted by or under the supervision of the returning officer, and any candidate, or, in the absence of the candidate, a representative duly authorized by him in writing, shall have a right to be present at the time of counting.

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 30.)

(6) When the counting of the votes has been completed, the returning officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been

given to be elected.

(7) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the returning officer and the candidates and in such manner as he may determine.

(8) The returning officer shall without delay report the result of the election to the Executive Officer, and the name or names of the candidate or candidates elected shall be published in the Calcutta

. Gazette.

30. (1) Subject to the provisions of this Act the Local Government shall make rules providing-

ment rules (a) for the form and manner in, and the condi-election

Local Govern-

- tions on, which nominations may be made, and for the scrutiny of nominations; (b) for the appointment of a returning officer for each constituency and for his powers and
- duties: (c) for the appointment of polling stations for
- cach constituency; (d) for the appointment of officers to preside at polling stations, and for the duties of such officers:
- (e) for the checking of voters by reference to the clectoral roll:
- (f) for the manner in which votes are to be given, and in particular for the case of illiterate voters, or voters under physical or other disability;
- (a) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors:

(h) for the scrutiny of votes:

(i) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers :

and may make such other rules regarding the conduct of elections as they think fit.

|Bon/ Act: ||

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Sections 31—34.)

(?) In the exercise of the foregoing power rules may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

Multiple elec-

31. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Executive Officer, within seven days from the date of the publication of the result of such election in the Calcutta Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Executive Officer shall call upon the constitution or constituences for which such person has not chosen

to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sab-section (1), the Executive Officershall forthwith declare the constituency for which such person shall serve and shall call upon the other constituency or constituencies concerned to elect another person or persons.

Disqualification for being election agent.

32. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in section 22.

Revocation of appointment of election agent.

(S3. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before during or within one month, or such longer period as the Local Government may allow, after the election, then the candidate shall appoint forthwith another election agent and declare his name

in writing to the said officer.

Return of elec.

34. (1) Within one month or such longer period as the Local Government may allow after the date of the declaration of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Executive Officer a return of his election expenses containing the particulars specified in Schedule V.

(2) Every such return shall contain a statement of all payments made by the candidate or by his

of 1923.1 -

(Part.II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Sections 35-38.)

election agent or by any persons authorized by the candidate to act on his behalf for expenses incurred on account of, or in respect of, the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and bis election agent which shall be in the form contained in Schedule V and shall be

made on oath or affirmation before a Magistrate.

(4) The Executive Officer shall cause to be prepared and maintained a record showing the names of all candidates at overy election of a Councillor under this Act and the date on which the return of election expenses of each candidate has been lodged with him.

35. Every election agent shall keep regular books of account in which the particulars of all expendituic agents of the nature referred to in section 34 shall be entered. whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

36. If there is not a sufficient number of valid nominations for an election in any constituency or if the electors of any constituency do not elect the pre- the scribed number of Councillors, the Local Government number shall appoint as many Councillors as may be necessary

to make up the prescribed number.

37. Bofore the date fixed for the first meeting of the Corporation after a general election, the Local of Government shall, by notification in the Calcutta Gazette, make such appointments of Conneillors as may be necessary under clause (b) of section 5 or undersection 36.

38. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected and to be taken or appointed to be a Councillor or elected an Alderman by Council shall before taking his scat make, at a meeting of the Corporation, an oath or affirmation of his allegiance Corporation, an oath or affirmation of his allegiance to the Crown in the following form, namely :-

"I, A. B., having been elected a Councilor appointed an Alterman Corporation do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors, and that I will faithfully discharge the duties upon which I am about to enter."

(2) Any person who having been elected or appointed to be a Conneillor or elected an Alderman

Appointment by Local Government to make up

Councillors when to be made

Oath of allega-

Ben. Act III

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Sections 39—41.)

fails to make within three months of the date on which his term of office commences, the oath or affirmation laid down in sub-section (I) shall cease to hold his office and his seat shall be deemed to have become vacant.

Explanation.—A person who by constitutional means endeavours to make changes in the constitution shall not be deemed to have thereby violated his oath of allegiance.

Term of office of Councillors and Aldermen.

39. Subject to the provisions of section 43, an elected Councillor or Alderman shall hold office for a term of three years; and an appointed Councillor shall hold office for a term of three years or for such shorter period as the Local Government may, at the time of appointment, determine. The said term or three years shall commence from the date of the first meeting of the Corporation fixed under section 59 at which a quorum is present and shall be held to include any period which may clapse between the expiry of the said term of three years and the date of the first meeting of the Corporation fixed under section 59 after a general election at which meeting a quorum is present:

Provided that the said period may be extended by the Local Government for a period not exceeding one year, by notification in the Calcutta Guzette, it in special circumstances (to be specified in the notifica-

tion) they so think fit.

Resignation of

40. A Councillor or an Alderman may resign his office by notifying in writing his intention to do so, to the Mayor and on the acceptance of the resignation by the Corporation his seat shall become vacant.

41. If any person having been elected appointed a Councillor, or elected an Alderman—

Effect of subsequent disabilities.

Aldermen.

(a) subsequently becomes subject to any of the disabilities stated in clauses (a), (c), (d), (c), (f) or (q) of sub-section (1) or in subsections (2), (3) or (4) of section 22, or

(b) is declared by the Local Government, by notification in the Calcutta Gazette cissued after due inquiry in which the Councillor or Alderman concerned shall have a right to be heard) to have violated his eath of

allegiance, or
(6) absents himself during six consecutive months
from the meetings of the Corporation,
except from temporary illness or other
cause which the Corporation may consider

sufficient to justify such absence, or

(Part II.-Chapter III.-Election and appointment of Councillors and Aldermen. Sections 42-45.)

(d) is retained or employed in any professional capacity in connection with any case or matter to which the Corporation is a party.

such person shall ecase to be a Conneillor or an Alderman, and the Local Government shall, notification in the Calculla Gazette, declare his scat to be vacant.

Explanation.-The expression " retained or employed in a professional capacity" shall be deemed to include appearance in any professional capacity before the Corporation or any of ita Committees or before any officer of the Corporation in any matter to which the Corporation is a

42. The Local Government may, if they think fit, on the recommendation of the Corporation, made Counciller after due inquiry in which the Conneillor or Alderman concerned shall have the right to be heard, remove any Councillor or Alderman elected or appointed under this Act, if such Conneillor or Alderman has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct.

Removal

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43. (1) When a vacancy occurs in the case of an enemal vacancies. elected Councillor or of an Alderman by reason of his seat becoming vacant under the provisions of section 38, or by reason of a declaration made under section 41, or of his election being declared void, or by his death, resignation duly accepted, or removal, the Executive Officer shall call upon the constituency concerned or the Councillors, as the easo may be, to elect a person for the purpose of filling the vacancy within such time as may be prescribed.

(2) If a vacagey occurs in the case of an appointed Councillor, the Local Government shall appoint to the vacancy a person having the necessary qualifications.

(3) Every such person shall remain a Conneillor or Alderman for the residue of the term of office of the Councillor or Alderman in whose stead he was

elected or appointed.

44. If any difficulty arises as to the preparation or publication of the first electoral rolls or the holding Government of the first elections the Local Government may by election, order authorize any matter or thing to be done which appears to them necessary for the proper preparation or publication of the rolls or for the proper holding of the elections.

Power of Local 6rst

45. (1) Before the expiration of the term of office of the Councillors and Aldermen under section 39, a tion. elecgeneral election of Councillors shall be held.

Ben. Act III

(Part II.-Chapter III .- Election and appointment of Councillors and Aldermen.-Sections 39-41.)

fails to make within three months of the date on which his term of office commences, the oath or. affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

Explanation .- A person who by constitutional means endeavours to make changes in the constitution shall not be deemed to have thereby violated his oath of allegiance.

Term of office of Conneillors and Aldermen.

39. Subject to the provisions of section 43, an elected Councillor or Alderman shall hold office for a term of three years; and an appointed Councillor shall hold office for a term of three years or for such shorter period as the Local Government may, at the time of appointment, determine. The said term of three years shall commence from the date of the first meeting of the Corporation fixed under section 59 at which a quorum is present and shall be held to include any period which may clapse between the expiry of the said term of three years and the date of the first meeting of the Corporation fixed under section 59 after a general election at which meeting a ouorum is present:

Provided that the said period may be extended by the Local Government for a period not exceeding one year, by notification in the Calcutta Gazette, if in special circumstances (to be specified in the notifica-

tion) they so think fit.

Resignation of 40. A Councillor or an Alderman may resign his office by notifying in writing his intention to do so, to the Mayor and on the acceptance of the resignation by the Corporation his seat shall become vacant.

41. If any person having been elected or appointed a Councillor, or elected an Alderman-

Effect of subsequent disabilities.

Councillors

Aldermen.

- (a) subsequently becomes subject to any of the disabilities stated in clauses (a), (c), (d), (e), (f) or (g) of sub-section (i) or in subsections (2), (3) or (4) of section 22, or
- (b) is declared by the Local Government, by notification in the Calcutta Gazette (issued after due inquiry in which the Councillor or Alderman concerned shall have a right to be heard) to have violated his oath of allegianec, or

(c) absents himself during six consecutive months from the meetings of the Corporation, except from temporary illness or other cause which the Corporation may consider sufficient to justify such absence, or

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of 1923.1

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen. Sections 42-45.)

(d) is retained or employed in any professional capacity in connection with any case or matter to which the Corporation is a party.

such person shall cease to be a Conneillor or an Alderman, and the Local Government shall, by notification in the Calcutta Gazette, declare bis seat to be vacant.

Explanation .- The expression " retained or employed in a professional capacity" shall be deemed to include appearance in any professional capacity before the Corporation or any of its Committees or before any officer of the Corporation in any matter to which the Corporation is a party.

42. The Local Government may, if they think fit, on the recommendation of the Corporation, made after due inquiry in which the Councillor or Alderman concorned shall have the right to be heard, remove any Councillor or Alderman elected or appointed under this Act, if such Councillor or Alderman has been guilty of misconduct in the discharge of his

duties or of any disgraceful conduct.

Removal

Conneillor

Alderman

of

OF

43. (1) When a vacancy occurs in the case of an Canal vacancies elected Councillor or of an Alderman by reason of his seat becoming vacant under the provisions of section 38, or by reason of a declaration made under section 41, or of his election being declared void, or by his death, resignation duly accented, or removal, the Executive Officer shall call upon the constituency concerned or the Councillors, as the case may be, to elect a person for the purpose of filling the vacancy within such time as may be urescribed.

(2) If a vacage occurs in the case of an appointed Conneillor, the Local Government shall appoint to the vacancy a person having the necessary qualifications.

(3) Every such person shall remain a Councillor or Alderman for the residue of the term of office of the Councillor or Alderman in whose stead he was

cleeted or appointed.

44. If any difficulty arises as to the preparation or publication of the first electoral rolls or the holding tovernment of the first elections the Local Government may by election. order authorize any matter or thing to be done which appears to them necessary for the proper preparation or publication of the rolls or for the proper holding of the elections.

l'oner of Local Gret

elec-

45. (1) Before the expiration of the term of effice Geteral of the Councillors and Aldermen under section 39, a tions. general election of Councillors shall be held.

[Ben, Act III

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 46,)

(2) Such general elections shall take place triennially on a date to be fixed by the Local Government ordinarily in the month of March, or on a date in such other month as the Local Government may ñx.

(3) Such elections shall be so fixed as to take place

simultaneously in all the constituencies.

(4) The Local Government shall, by notification in the Calcutta Gazette, call upon the constituencies referred to in Schedulc III to cleet Councillors in accordance with this Act within such time as may be prescribed by such notification:

Provided that, if the Local Government think fit, such notification may be issued at any time not being less than three months prior to the date on which the term of office of the Councillors and Aldermen would expire in the ordinary course of events.

# Disputes as to the validity of an election.

Hearing of election petitions by High Court.

46. (1) If there is any dispute as to whether any person whose name is published under sub-section (8) of section 29 is qualified to be elected a Councillor, or if the validity of any election is questioned, whether by reason of the commission of any corrupt practice by a candidate or his agent or by any other person or by reason of the improper rejection of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the electoral roll may, at any time within eight days after the said publication, apply to the High Court:

Provided that no election shall be called in question on the ground that—

(a) the name of any person qualified to vote has been omitted from the electoral roll,

(b) the name of any person not qualified to vote has been inscried in that roll, or

(c) any direction given by any rule made under scetion 25, sub-section (2), or section 30 has not been obeyed.

(2) If the Court sets aside an election or declares an election to be null and void, a fresh election shall be held.

(3) Every election not called in question in accordance with the provisions of this section shall be deemed to have been to all intents a good and valid election.

## (Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Section 47.)

47. (1) Save as hereinafter provided in this section, if, in any proceeding duly instituted under vost.

section 46, the High Court is of opinion that-

- (a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or
- (b) any corrupt practice specified in Part I of Schedule II has been committed, or
- (c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or, save as is provided in section 46, by any non-compliance with the provisions of this Act or the rules made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

- (2) If in such proceeding the Court is of opinion that a returned candidate has been guilty by an agent (other than his election agent) or any other person of any corrupt practice specified in Part I of Schedule II which does not amount to any form of bribery other than treating as hereinafter explained or to the proenring or abetment of personation, and if the Court is also of opinion that the candidate has satisfied it that-
  - (a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and
  - (b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election. and
  - (c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited charactor acc

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Sections 48, 49.)

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Court may find that the election of such candidate is not void.

Explanation.—For the purposes of this sub-section "treating" locans the neutring in whole or in part by any person of the expense of giving or provising any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Operation of transitory provisions

Transitory provisions to have

effect at elections

prior to the fourth

general election

48. The provisions of this Act relating to elections of Councillors by general electorates are subject to the provisions of sections 49 and 50.

49. (1) Notwithstanding anything contained claewhere in this Act, the provisions of this section shall apply in respect of the election of Councillors at the first three general elections, held under this Act or in the manner provided therein, and at any by-election

held prior to the fourth general election.

(2) Subject to the provisions of any other law for the time being in force every Muhammadan shall be qualified as an elector of a Muhammadan constituency, specified in Schedule IV, who owns or occupies, or resides in any premises, or exercises any profession, trade or calling, within that constituency, if such person possesses the qualification set forth in clause, (a), clause (b) or clause (c) of sub-section (1) of section 20.

(3) No person shall be eligible for election as a Councillor to represent a Muhammadan constituency unless his name is duly registered in the electoral roll of that or any other Muhammadan constituency.

(4) In the case of the elections referred to in sub-

section (1)--

(a) for section 8 the following shall be deemed to be substituted, namely:-

"8. The elected Conneillors shall be elected

Constituences eles specified in

Schedule IV, and the number of

Councillors to be elected by each constituency shall be as stated therein
against that constituency."

# (Part II.—Chapter III.—Blection and appointment of Councillors and Aldermen.—Section 49.)

- (b) for that portion of sub-section (1) of section 20 beginning with the figure and words "(1) Subject to" and ending with the words "specified in Schedule III", the following shall be deemed to be substituted, namely:—
  - "(I) Subject to the provisions of any other law on the subject for the time being in force, every person, other than a Muhammadan, shall be qualified as an elector of a non-Muhammadan constituency specified in Schedule IV",
- (c) for section 23 the following shall be deemed to be substituted, namely:—
  - "23. (1) No person shall be eligible for election as a Councillor

    Qualification for election as a Councillor
    to represent a nonMuhammadan constituency specified in Schedule IV,
    nuless his name is duly registored on
    the electoral roll of that or any other
    non-Muhammadan constituency specified in that schedule.
  - (2) No person shall be eligible for election as a Councillor to represent a special constituency specified in Schedule IV, unless his name is registered on the electoral roll of that constituency."
- (d) in sub-section (1) of section 24 for the words and figures "specified in section 20" the word "prescribed" shall be deemed to be substituted,
- (e) to sub-section (2) of section 24 the following shall be deemed to be added, namely :--
- "and notwithstanding anything contained elsewhere in this Act the electoral roll on which such representative shall be entitled to be registered shall be the electoral roll of the non-Muhammadan or Muhammadan constituency, as the case may be, for the electoral area in respect of which such company or other association is cutitled to be an elector, according as such representative is or is not a Muhammadau."

[Ben. Act III

(Part II.—Chapter III.—Election and appointment of Councillors and Aldermen.—Chapter IV.— Municipal officers and servants.—Sections 50, 51.)

(f) for section 28 the following shall be deemed to be substituted, namely:—

"28. In any constituency, if the number of candidates, who are duly nominated, and have not withdrawn their candidature, is not more than the number of Conneillors to be elected for that constituency, all such candidates shall be declared to be duly elected."

(g) in sub-section (4) of section 45 for the word and figures "Schedule III" the word and figures "Schedule IV" shall be deemed to

be substituted.

(h) in sub-section (2) of section 483 after the words "of Councillors" in the first place where they occur the words "by non-Muhammadun and Muhammadan constituencies" shall be deemed to be inserted and for the word and figures "Schedule III" the word and figures "Schedule IV" shall be deemed to be substituted.

(5) The provisions of other sections applying to the election of Councillors by, and the electoral roll of, general constituencies shall apply so far as may be necessary to the election of Councillors by, and the electoral roll of, the non-Mahammadan and Muham-

madan constituencies,

Femporary aubstitution of Schedule IV for Schedule III

50. For the purposes of the election of Councillors of during the period referred to in sub-section (1) of section 49, Schedule IV shall be deemed to be substituted for Schedule III.

#### CHAPTER IV.

### MUNICIPAL OFFICERS AND SERVANTS.

Appointment and salary of principal officers.

51. (1) The Corporation shall appoint proper persons, for such periods respectively as they think fit, to be Chief Executive Officer, Chief Engineer, Chief Accountant, Health Officer and Secretary, and shall fix the monthly salary and allowances to be paid to the persons so appointed.

The Corporation may also appoint, for such periods as they think ilt, not more than two Deputy Executive

of 1923,1

(Part II.-Chaper IV.-Municipal officers and servants.—Sections 52, 53.)

Officers, and may fix their monthly salaries and allowances:

Provided that the appointment, salary, allowances and conditions of service of the Chief Executive Officer, Chief Engineer, Health Officer and Deputy Executive Officer or officers and any action taken by the Corporation with a view to the termination of their appointment shall be subject to the approval of the Local Government.

(2) The Corporation may appoint such other officers and servants for such periods, respectively. as they think fit, and may fix their salaries and

allowances.

52. The Executive Officer shall be the principal Executive Officer. executive officer of the Corporation, and all other officers and servants of the Corporation shall be subordinate to him. He shall have the same right of being present at any meeting of the Corporation, or of any Standing or Special Committee, and of taking part in the discussions thereat as if he were a member of the Corporation or of such Committee, and with the consent of the Mayor or the President of the meeting, as the case may be, he may at any time make n statement or explanation of facts, but he, shall not voto upon, or make, any proposition at such meeting.

53. (1) No person shall be oligible for employment as a municipal officer or servant if he has, interest in condirectly or indirectly, by bimself or his partner or tact or employtime to the partner of the partner of the service of the servi employer or employe, any share or interest in any poration contract or employment with, by, or on behalf of, the

Corporation.

(2) Every person applying for employment us a municipal officer or servant shall, if he is related by a blood relationship to, or is closely connected by marriage with, the Mayor or any Ahlerman or Councillor or any statutory officer of the Corporation, notify in writing such relationship or connection to the Corporation or municipal officer making such appointment, and if he fails to do so before he is appointed, his appointment to such post may at any time be terminated.

(3) If any municipal officer or servant acquires. directly or indirectly as aforesaid, any share or interest as aforesaid, otherwise than as such officer or servant, he shall eease to be a municipal officer or

servant and his office shall become vacant,

(4) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under clause (ii) or clause (iv) of proviso (a) to section 22, it is

## (Part II .- Chapter IV .- Municipal officers and servants. - Sections 54-56.)

permissible for a Conncillor or an Alderman to have without being thereby disqualified for being a Councillor or an Alderman.

Indebtedness to disqualify for office under section 51

54. (1) No person shall be eligible for any office mentioned or referred to in section 51 if he is seriously indebted to any person.

(2) If any person holding any of the said offices becomes so indebted, the Corporation may, subject to the proviso to sub-section (1) of section 51, declare his office to be vacant.

Contribution in respect of pension or leave-allowances of Government servants appointed to be municipal

55. When a servant of the Government is appointed to be a municipal officer or servant, the Corporation shall pay, out of his salary, any contribution which may for the time being be levied by the officers or servants. Government in respect of his pension or leave-allowances.

Power to Corporation to make rules as to fity and grant of leave of absence and allowances.

56. The Corporation, by a resolution in favour of which not less than two-thirds of the Conneillors and Aldermen voting have voted, may make rules-

- (a) fixing the amount and nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;
- (b) regulating the grant of leave of absence: allowances, pensions, bonuses and gratalties to municipal officers and servants;
- grant οf compassionate (c) regulating the allowances and gratuities to members of the families of deceased municipal officers and servants:
- (d) for establishing and maintaining a provident or annuity fund, and for compelling all or any of the municipal officers or servants to contribute to such fund, and for making supplementary contributions out of the municipal fund; and
- (e) for establishing and aiding in the establishmaintenance of co-operative ment and societies for the menials of the Corporation:

Provided that no pension, gratuity or compassionate allowance referred to in clauses (b) and (c) shall, save with the special sanction of the Local Government, exceed the sum to which under any general or special orders of the Government of India for the time being in force, such officer or servant

#### (Part II.-Chapter IV.-Municipal officers and servants, -- Chapter V.-Conduct of business.-Sections 57-60.)

family would be entitled if the service or his had been service under Government:

Provided also that the municipal officers and servants who were formerly in the Plague Department of the Local Government shall be ontitled to the benefits of the aforesaid provident or annuity fund and gratuities in respect of the period of their services in that department on their paying within six months from the commencement of this Act their share of contribution to the said fund for the said period in accordance with the rales hitherto in force.

57. (1) The Corporation may, in accordance with

the rules made under section 56, grant -

(a) pensions, allowances, bonnses and gratuities to municipal officers and servants, and

(b) compassionate allowances and gratuities to members of the families of deceased monicinal officers and servants.

and may also supplement contributions to a Provident Fund-in accordance with the said rules.

(2) For the purposes of this chapter the family of a municipal officer or servant shall be deemed to include his wife, his children, and his father, mother, brother or sister, dependent upon him for support.

#### CHAPTER V.

#### CONDUCT OF BUSINESS.

Transaction of business by the Corporation.

58. (1) The Corporation shall meet not less than Meetings. once a month for the transaction of husiness.

(2) The Mayor or, in his absence, the Deputy Mayor may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Councillors or Aldermen, call a meeting of the Corporation.

59. The first meeting of the Corporation after a general election of Councillors shall be held as early tion, as conveniently may be in the month of April next following such election and shall be convened by the Executive Officer.

60. A list of the business to be transacted at every meeting shall be sent to the address of each Councillor and Alderman resident in Calentia, so that it may be in his hands not less than forty-eight bours

First meeting alter general elec-

Notice of meet.

ings and business.

Grant of pensions gratuities,

and compassion. ate allowances

Ben. Act Ill

(Part II.-Chapter V.-Conduct of business .-Sections 61-64.)

before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has

been so given:

Provided that any Councillor or Alderman may submit to a meeting any resolution going beyond the matters mentioned in the notice given of such meeting, if he has given not less than forty-eight hours' previous notice of his intention so to do, by leaving a copy of such resolution at the Municipal Office.

Vote of majority decisive

61. All acts authorized or required to be done by the Corporation, and all questions which may come before the Cornoration for decision, shall, save as is in this Act otherwise provided, be respectively done and decided by a majority of the Councillors and Aldermen voting at the meeting before which the matter is brought.

President meeting

62. (1) The Mayor, or, in his absence, the Deputy Mayor shall preside at every meeting of the Corporation, and shall have a second or casting vote in all cases of equality of votes.

(2) In the absence of the Mayor and Deputy Mayor, the Councillors and Aldormen present at any meeting shall choose one of their number to preside, who shall in ease of equality of votes have a second or

easting vote.

(3) The President of any meeting at which a quorum of the Councillors and Aldermen is present may, with the consent of a majority of the members present, adjourn the meeting from time to time and

from place to place.

63. No business shall be transacted at any meeting unless a quorum of twenty members be

present throughout the meeting: Provided that, if at any meeting there is not a sufficient number of members present to form a quotum, the President of such meeting shall adjourn the meeting to such convenient time and place as he thinks fit; and the business which should have been brought before the original meeting, if there had been a quorum present, shall be brought forward and disposed of in the usual manner at the adjourned meeting, at which a quorum of fifteen members shall

suffice.

At any meeting, unless a poll be demanded by at least five members, a declaration by the resolution by President of such meeting that a resolution has been carried or lost, and an entry to that effect in the

Declaration by cost.

Quorum

(Part II.—Chapter V.—Conduct of businees.— Sections 65-66.)

minutes of proceedings shall, for the purposes of this Act, he conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in

favour of or against such resolution.

65. If a poll be demanded under section 61, the votes of all the members present who desire to vote shall be taken under the direction of the President of the meeting, and the result of such noll shall be deemed to be the resolution of the Corporation at such

Provided that the Corporation may, subject to such rules as may be made by them under section 66, resolve that any question or class of questions shall

be decided by ballot.

66. The Corporation may make rules for the conduct of business at their meetings. iules.

Power to Cor-

peration to make

#### Cantracts and Seal of Corporation.

67. (1) The Corporation may enter into and perform all such contracts as they may consider the perform all such contracts as they may consider the perform of contracts as they may consider the performancessary or expedient for carrying into effect the performance of this tot. provisions of this Act.

(2) With respect to the making of such contracts the following provisions shall have effect, namely :-

(a) every such contract shall be made on behalf of the Corporation by the Mayor or Deputy Mayor:

(b) no contract shall be made by the Mayor or Donuty Mayor unless the same is previously

sanctioned by the Corporation:

(c) no contract involving an expenditure exceeding two and a half lakhs of rupees shall be made by the Mayor or Deputy Mayor unless the same is previously sanctioned by the Corporation and the Local Government.

(3) The foregoing provisions of this section shall apply to every variation or discharge of a contract as

well as to an original contract.

68. (1) Every contract made by the Mayor or Deputy Mayor on behalf of the Corporation shall be entered into in such manner and form as would bind and provisions as the Mayor or Deputy Mayor if such contract were made tion on his own behalf, except that the common scal of the Corporation shall be used (where necessary); and every such contract may in the like manner and form be varied or discharged.

Poll and ballot.

Execution

Further provition of contracts, o seal of Corpora-

[Ben. Act III

## (Part II.—Chapter V.—Conduct of business.— Section 69.)

- (2) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing, shall be sealed, and shall specify—
  - (a) the work to be done or the materials or goods to be supplied, as the case may be,

(t) the price to be paid for such work, materials or goods, and

(c) the time or times within which the contract or specified portions thereof shall be carried out.

(3) The common seal of the Corporation shall remain in the custody of the Secretary to the Corporation, and shall not be affixed to any contract or other instrument except in the presence of a Councillor or an Alderman, who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) The signature of the said Councillor or Alderman shall be distinct from the signature of any witness to the execution of such contract or

instrument.

(5) A contract not executed as provided in this

section shall not be binding on the Corporation.

69. (1) Not less than seven days before the Corporation enter into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure executing one thousand rupees, they shall give notice by advertisement in local newspapers inviting tenders for such contract.

(2) In every case in which the acceptance of a tender would involve an expenditure exceeding one thousand rupees, the specifications, conditions and estimates, and all the tenders received shall be placed

before the Corporation.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding two and a half lakhs of rupees, the Corporation shall submit to the Local Government the specifications, conditions and estimates, and all the tenders received, specifying the particular tender (if any) which they recommend for acceptance.

(4) The Corporation, or the Local Government, as the case may be, may reject all or any of the tenders

made under the provisions of this section.

Tenders.

## (Part II.-Chapter V .- Conduct of business .-Sections 70, 71.)

- (5) Notwithstanding anything contained in this section, the Corporation, by a resolution in favour of which not less than two-thirds of the Conneillors and Aldermen voting have voted, may, for reasons which shall be recorded in contract involving an . . . . . thousand rupees withc. ٠.. the acceptance of any tender which may have been received.
- 70. The Corporation shall take sufficient security Security for the due performance of every contract into which performance contract they enter under this Act.

#### Standing Committees.

71. (1) The Corporation may each year appoint standing Com Standing Committees and, by specific resolution, delc- mklece gate any of their functions, powers or duties to such Committees, and may also from time to time, by a like resolution, refer to them for inquiry and report, or for opinion, such subjects relating to the functions, nowers or duties of the Corporation as the Corporation inav think fit.

- (2) A Standing Committee shall not consist of more than twelve members, and no Councillor or Alderman shall, at the same time, be a member of more than two Standing Committees and the District Committee.
- (3) Every Standing Committee shall conform to any instructions that may from time to time be given to them by the Corporation.
- (4) The Corporation may at any time dissolve, or subject to the provisions of sub-section (2), alter the constitution of any Standing Committee, and may also at any time withdraw from any Standing Committee any of the functions, powers or duties delegated to them under sub-section (1).

(5) Every Standing Committee shall appoint two of their number to be their Chairman and Deputy

Chairman:

Provided that no Councillor or Alderman shall, at the same time, be the Chairman or Deputy Chairman of more than one Standing Committee.

(6) In the absence of the Chairman or Deputy Chairman, the members of the Standing Committee present shall choose one of their number to preside over their meeting.

## (Part II.-Chapter V.-Conduct of business.-Sections 72, 73.)

(7) When any matter is referred to a Standing Committee, the Corporation may fix a time within which the report of the Standing Committee thereon is to be submitted to the Corporation.

(8) All the proceedings of every Standing Committee shall be subject to confirmation or revision by the Corporation:

Provided that, if, in delegating any of their functions, powers or duties to a Standing Committee under sub-section (1), the Corporation direct that the decision of the Standing Committee shall be final, then so much of the proceedings of the Standing Committee as relate to such functions, powers or duties shall not be subject to confirmation by the Corporation.

(9) The Corporation may make rules for regulating the conduct of business at meetings of Standing Committees and of Sub-committees appointed by them.

District Standing Commutees

72. (1) The Corporation may from time to time divide Calcutta into such districts consisting of different wards as they may think fit and appoint a Standing Committee, to be called the District Committee, for each such district and delegate to such Committees such functions, powers or duties of the Corporation as the Corporation may think fit relating to matters affecting their respective districts, and may also from time to time, by specific resolution, reter to them for inquiry and report or for opinion such matters rolating to such districts as the Corporation may think fit.

(2) Each such District Committee shall consist of all the Councillors for the several constituencies comprised in each district and any Alderman or other Councillor living within the district and expressing his willing-

ness to serve on such Committee.

(3) The District Committee shall associate with themselves not more than three persons, residing within such district. Such persons shall be elected by the Committee every year in such manner as may be prescribed by rules made by the Corporation in this behalf. Such associated members shall hold office for one year and shall be entitled to vote.

73. (1) The Corporation shall appoint a Standing Primary Edu-Committee, to be called the Primary Education Standing Committee to advise them in regard to all matters relating to primary education in Calcutta.

eation Bis

#### (Part II.—Chapter V.—Conduct of business.— Sections 74, 75.)

- (2) Such Committee shall consist of not more than six Councillors or Aldermen and of such other persons (not exceeding three in number), as the Corporation may from time to time and for such period as they think fit, by a specific resolution, associate with the Committee.
- (3) Persons so associated with the Committee shall have a right to vote at meetings of the Committee, and shall be deemed to be members thereof for all purposes during the said period.
- 74. (1) Any Standing Committee of the Corporation may appoint one or more Sab-committees of Standing Committees for any purposo reforred to them which, in their opinion, can be more usefully earried out by a Subcommittee.

(2) A Sub-committee may be appointed for such time and subject to such limitations and conditions as to roport and other wise as the Standing Committee appointing the Sub-committee may from time to

time think fit.

(3) No Sub-committee shall continue to exist after the Standing Committee appointing it has eeased to exist.

(4) All proceedings of any Sub-committee shall be subject to confirmation by the Standing Committee appointing it.

(5) It shall not be necessary for any of the members of a Sub-committee to be a member of the Standing Committee appointing such Sub-committee.

#### Special Committees.

75. (1) The Corporation may from time to time, by specific resolution, appoint a Special Committee to inquire into and report upon any matter (to be specified in such resolution) which may arise in connection with any of the functions, powers or duties of the Corporation and which is not at the time under consideration by a Standing Committee constituted under section 71.

(2) The Corporation may also from time to time, by specific resolution, associate with any such Special Committee, for such period as they think fit, any persons, who are not Councillors or Aldermen, but whose assistance or advice is required for the purnoses for which the Special Committee is appointed and such persons shall have a right to vote at

Special Oom-

Ben, Act III

(Part III.-Chapter VI.-The Municipal Fund.-Sections 83, 84.)

which shall be styled "the account of the Municipal Fund of the City of Calcutta":

Provided that, with the sanction of the Local Government, any moneys accruing from any of the several funds of the Corporation, which, at the commencement of this Act, are held in deposit by any bank or banks in Calcutta other than the Imperial Bank of India may be left in such deposit by the Corporation for such period as they think fit,

Drafts on the Municipal Fund,

- 83. (1) Subject to the provisions of sections 18, 118 and 119, no paymont shall be made by the Imperial Bank of India out of the Municipal Fund except upon a cheque signed—
  - (a) by any two of the following persons, namely:--
    - the Executive Officer,
    - (ii) the Deputy Executive Officer,
    - (iii) the Seeretary.
      - (iv) the Chief Accountant. or.
  - (b) in the event of the illness or absence from Calcutta of any three of the persons mentioned in clause (a), by the remaining one of such persons and any other person appointed in that behalf by the Executive Officer, or,
  - (c) in the event of the illness or absonce from Calcutta of all the persons mentioned in elause (a), by any two other persons appointed in that behalf by the Executive Officer and approved by the Corporation.
- (2) Except in the ease of salaries up to three hundred rupees, which may be paid in each, payment of any sum due by the Cerporation exceeding one hundred rupees in amount shall be made by means of a chequo signed as provided in sub-section (1), and not in any other way.

(3) Payment of any sum due by the Corporation not exceeding one hundred rupces in amount may be made in cash, cheques signed as prescribed in subsection (I) being drawn from time to time to cover

such payments.

84. (1) The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the purposes of this Act, or of which the payment is duly directed or sanctioned by or under any of the provisions of this Act.

Application of Musicipal Fund.

#### (Part III.—Chapter VI.—The Municipal Fund.— Section 85.)

(2) Sneh moneys shall likewise be applied in payment of all sums payable out of the Municipal Fund under any other enactment for the time being in force.

85. No payment of any sum out of the Municipal Fund shall be made unless the expenditure of to be made out of Municipal Fund the same is covered by a current budget-grant and noless covered by a sufficient balance of such budget-grant is still a budget-grant available notwithstanding any reduction or transfer thereof which may have been made under section 95 or section 96:

Provided that this section shall not apply to payments made in the following classes of cases, namely:-

- (a) refunds of taxes and other moneys which are authorized by this Act;
- (b) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal Fund by mistake:
- (c) sums payable in any of the following circumstances-
  - (i) under section 18, under the orders of the Local Government:
  - (ii) under section 81, sub-section (2); or
  - (iii) under the direction of any officer appointed under section 118 or section 119:
  - (10) under the decree or order of a civil or criminal court passed against the Corporation;
  - (r) under a compromise of any suit or other legal proceeding or claim effected under section 537.
- (d) temporary payments under section 88 for works urgently required for the public service:
- (c) sums which are by or under section 252, subsection (2), section 301, sub-section (2), section 501, sub-section (1), section 512, subsection (2), section 389, sub-section (4), section 440, sub-section (2), section 442, sub-section (4), section ists, sub-section (3), section 121, chase (c) of subsection

[Ben. Act III

(Part III.—Chapter VI.—The Municipal Fund.— Sections 86—59.)

- (?) of section 535. or rule 2. sub-rule (6), of Schedule XVI, required or allowed to be paid by way of compensation;
- (f) sums payable as compensation under any rule or by-law made under this Act; and
- (g) expenses incurred by the Corporation in the exercise of the powers conferred by section 447.

Duty of person signing cheque.

- 86. Before any person anthorized under section 83 signs a cheque, he shall satisfy himself that the sum for which such cheque is drawn is either—
  - (a) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or
  - (b) required for any payment referred to or specified in the proviso to section 85.

Procedure when money not covered by a budgetgrant is expended under clauses (c), (c), (f), or (g) of section \$5.

87. Whenever any sam is expended under clauses (c), (e), (f) or (g) of the proviso to section 85, the Corporation shall take such action under section 95 as may in the circumstances appear possible and expedient for covering the amount of the additional expenditure; and all sums expended under clause (g) of the said proviso shall be forthwith reported to the Corporation.

Temporary payments from the Municipal Fundfor works urgently required for the nubble service.

88. (1) On the written requisition of a Secretary to the Local Government, the Corporation may at any time undertake the execution of any work certified by such Secretary to be argently required for the public service, and for this purpose may temporarily make payments from the Municipal Fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

(2) The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the Local Government and credited to the

Municipal Fund.

89. (1) The Corporation shall pay from the Minicipal Fund to the Commissioners of the Tollygunge Municipality two thousand six hundred and thirty-two rupees to compensate them for the expenditure incurred by them on local drainage within the area of the Baltygunge Pumping station and the High Level Outfall Sewer added to Calcutta.

Compensation to the I oil spunge, and South Subnition Unnicipalities

#### (Part III.-Chapter VI.-The Municipal Fund.-Sections 90-92.)

- (2) From the commencement of this Act, the Corporation shall pay annually from the Municipal Fund for ten years to the Commissioners of the Sonth Snhurban Municipality the sum of eight thousand rupees, being approximately, at the commencement of this Act, one-half of the difference between the gross revenue obtained as rates and taxes from. and the amount expended on, that portion of the area. known as the New Dock Extension Area which was formerly comprised within the said municipality and which forms part of the area added to Calcutta.
- 90. The Corporation shall, heginning from the Special paythird year after the commencement of this Act, spend provential of the anunally for ten years a sum of not less than one lakh area of rapecs on the execution of original improvement Maniktala, Cossiworks within the area which formed the Maniktala Pur Chitpur, and Garden Reach Municipality hefore the commencement of this Act, Municipalities, a sum of not less than a lakh of rupees on the execution of original Improvement works within the area which formed the Cossipur-Chitpur Municipality nt the commencement of this Act and a sum of not less than a lakh of rupees on the execution of original improvement works within the area which formed the Garden Reach Municipality at the commencement of this Act.

91. The Corporation shall spend annually a snm of not less than a lakh of rupecs for the purpose of tion promoting primary education among boys between the ages of six and twelve years and girls between the ages of six and ten years residing in Calentta,

Expenditure on

92. (1) Snrplus moneys at the credit of the Municipal Fund, which cannot immediately or at an ourplus money. early date be applied to the purposes of this Act, may from time to time be deposited at interest or placed in current account in the Imperial Bank of India. or in any other bank or banks in Calcutta which may be approved by the Local Government, or invested in any of the securities or debentures mentioned in section 112, sub-section (1):

lavestment of

Provided that, where any money is placed in current account under this sub-section with any bank or banks other than the Imperial Bank of India, no cheques shall be drawn by the Corporation against such current account, except in favour of the Imperial Bank of India.

(2) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

Ben. Act III

(Part III .- Chapter VII .- Budget Estimate.-Sections 93, 94.)

#### CHAPTER VII.

#### BUDGET ESTIMATE!

Executive Officer to lay before Corpenditure, receipts balances and statement of propused taxes

93. The Executive Officer shall, on or before each poration annual tenth day of February, cause to be prepared and lay before the Corporation, in such form as the Corporation may from time to time approve,-

- (a) an estimate of the expenditure which should, in his opinion, be incurred by the Corporation in the next ensuing year,
- (b) an estimate of receipts from all sources during the said year,
- (c) an estimate of all balances, if any, which will he available for reappropriation or expenditure at the commencement of the said year, and
- (d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under this Act in the said year.

Ourporation to frame Budget Estimate.

- 94. (1) The Corporation consider shall estimates and proposals submitted by the Executive Officer under section 93 and shall thereafter-
  - (a) on or before the twenty-second day of March in each year frame and adopt a Budget Estimate of income and expenditure for the
  - ensuing year, and (b) determine, subject to the provisions of Part IV, the levy of the consolidated rate and taxes for the said year at such rates as are necessary to provide for the purposes mentioned in sub-section (2):

that, except under section Provided section 96, the rates so determined shall not be subsequently altered for the year for which they have been determined.

(2) In such Budget Estimate, the Corporation shall,

among other things,-

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed by this

<sup>12</sup> or special provisions in regard to the Budget Palmate for 1921-25, see the Calcutta Monterpal (No II) Act, 1923 (Ben. Act XI of 1923).

#### (Part III.—Chapter VII.—Budget Estimate.— Sections 95, 96.)

- (b) provide for the payment, as they fall due, of all instalments of principal and interest for which the Corporation may be liable in respect of loans contracted by them, and
- (c) allow for a each balance at the end of the said year of not less than six lakhs of rupees.
- 95. (1) The Corporation may from time to time during the year-

Power to Corbudget-grante.

- (a) increase the amount of any budget-grant,
- (b) make an additional budget-grant to meet any special or nuforescen requirement arising during the same year,
- (c) transfer the amount or a portion of the amount of any budget grant to the amount of any other budget-grant, or
- (d) reduce the amount of any budget-grant:

#### Provided as follows:-

- (i) due regard shall be had to all the requirements of this Act, and
- (ii) in making any fucrease or additional hudgetgrant, the estimated cash balance at the close of the year shall not be reduced below six laklis of rupces.
- (2) Every increase to a hudget-grant and every additional hudget-grant made in any year under subsection (1) shall be deemed to be included in the Budget Estimate finally adopted for that year.

96. (1) If at any time during the year it appears to the Corporation that, notwithstanding any ieduction of hudget-grants that has been made nuler penditure during section 95, the income of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the Budget Estimate of that year, and to leave at the close of the year a cash balance of not less than six lakhs of rupees, then it shall be incombent on the Corporation forthwith to sanction any measure which they may consider necessary for proportioning the year's income to the expenditure.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with

Power to Corpo-

[Ben. Act III

(Part III.—Chapter VII.—Budget Estimate.— Chapter VIII.—Loans.—Section 97.)

due regard to all the requirements of this Act, or have recourse to supplementary taxation or to an increase of the rates, or adopt all or any of those methods:

Provided that the rates shall not be raised under this section beyond the maximum percentage prescribed under section 124, and that the supplementary taxation shall not be imposed unless two-thirds of the members of the Corporation present at a meeting have voted in favour of it.

#### CHAPTER VIII.

#### LOANS.

Power to Corporation to borrow money.

- 97. (1) The Corporation may, in pursuance of a resolution passed at a meeting, from time to time raise a loan, by the issue of debentares or otherwise on the security of the consolidated rate, or of all or any of the taxes, fees and dues authorized by this Act (or of both the said rate and all or any of the said taxes, fees and dues), of any sums of money which may be required—
  - (a) for the construction of works under this Act,
  - (b) for the acquisition of land for the purposes of this Act. or
  - (c) to pay off any debt due to the Government, or
  - (d) to repay a loan raised under this Act:

#### Provided as follows :-

- (i) no loan shall be raised without the provious sanction of the Local Government;
- (ii) the rate of interest to be paid for any lean, and the terms (as to the time and method of repayment, and otherwise) upon which any lean is to be raised, shall be subject to the approval of the Local Government;
- (iii) the period within which a loan is to be repaid shall in no case exceed sixty years; and
- (ir) no loan exceeding in amount twenty-five lakhs of rapecs shall be raised unless the terms, including the date of floatation, of such loan have been approved by the Government of India.

#### (Part III.-Chapter VIII.-Loans.-Sections 98-101.)

(2) When any sum of money has been borrowed under sub-section (1),-

(i) no portion thereof shall, without the previous sanction of the Local Government, be applied to any purpose other than that for which it was borrowed, and

(ii) no portion of any sum of money borrowed under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances to any municipal officers or servants. other than those who are exclusively employed upon the works for the construction of which the money was borrowed.

98. The Corporation shall, at a meeting to be held of the twenty-second day of March in each borrowed year, after considering the Executive Officer's proposals in this behalf, determine, subject to the provisions of this Act, what sums of money (if any) shall be borrowed under section 97 in the next ensuing year.

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with a

99. Notwithstanding anything contained in section 97, whenever the borrowing of any sum has been Corporation sanctioned under that section, the Corporation may, account instead of borrowing such sum or any part thereof from the public or any member thereof, take eredit on such terms as may be sanctioned by the Local Government, from any bank on a cash account to be kept in the name of "the Municipal Corporation of the City of Calcutta" to the extent of such sum or part and, with the sanction of the Local Government, may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment of the amount of such credit or of the snms advanced from time to time on such each account with interest.

100. Notwithstanding anything hereinbefore contained, the borrowing powers of the Corporation shall rowing powers be limited so that the sums payable under this Act during any year for interest and for the maintenance of Sinking Funds (including the payments prescribed by snb-clause (c) of clause (1) of section 108), shall not exceed ten per cent. on the annual rateable value of land and buildings as determined under Chapter X,

101. (1) All debentures issued under this Act shall be in such form, and signed by such person, as that the the Corporation may from time to time prescribe, debentures. with the previous sanction of the Local Government. or (in the case of a loan raised out of India) the Government of India.

[Ben, Act III

# (Part III.—Chapter VIII.—Loans.—Sections 102—105.)

(2) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefor, upon such terms as the Corporation may from time to time determine, a debenture in any other form so prescribed.

(3) The holder of any debenture issued by the Corporation under the authority of any prior enactment may obtain in exchange therefor, upon such terms as the Corporation may from time to time determine, a debenture in a form prescribed under

sub-section (1).

(1) Every debenture issued by the Corporation under this Act shall be transferable in such manner

as shall be therein expressed.

(5) The right to sue in respect of the moneys seeured by any sueli debentures, or by any debentures issued by the Corporation under the authority of any prior enactment, shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

other:

Signature of coupons attached to debentures issued to debentures in the state of the signature of the Executive Officer; and such signature may be engraved, lithographed or impressed by any mechanical process.

Payment to survivors of joint payees.

tunder this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such 1x of 1872.

Provided that nothing in this section shall affect any claim by the representative of a deceased person

against such survivor or survivors.

Receipt by joint holder for interest or dividend. 104. Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

Repayment of loans.

105. Every loan raised by the Corporation under section 97 shall be repaid within the time approved under provise (ii) to sub-section (I) of that section,

General Acts, Volume 11

### (Part III.-Chanter VIII.-Loans.-Sections 106-108.)

and by such of the following methods as may be so approved, namely :-

> (a) from a Sinking Fund established under section 106 in respect of the loan, or

> (b) partly from the Sinking Fund established under section 106 in respect of the loan. and (to the extent to which that Sinking Fund falls short of the sum required for the repayment of the loan) partly from money borrowed for the purpose under clause (d) of sub-section (1) of section 97.

106. (1) Whenever the repayment from a Sinking Fund of a loan referred to in section 105, has and maintenance been approved under proviso (ii) to sub-section (1) for such louns. of section 97, the Corporation shall establish such a fund and shall pay into it every six months until the loan is repaid, a sum so calculated that, if regularly paid, it would, with necumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the time approved.

(2) The rate of interest, on the basis of which the sum referred to in sub-section (1) shall be calculated. shall be such as may be prescribed by the Government

of Indla.

(3) A separate Sinking Fund shall be established

in respect of each loan referred to in section 105.

107. Notwithstanding anything contained in section 106, if at any time the sum standing at eredit of continue the Sinking Fund established for the repayment of any log Fund loan is of such amount that, if allowed to accumulate at the rate of interest prescribed nuder sub-section (2) of that section, it will be sufficient to repay the loan at the time approved under proviso (ii) to sub-section (1) of section 97, then, with the permission of the Local Government, further payments into such fund may be discontinued.

Power to dismenty mto Smk.

Establishment

108. In respect of all loans raised by the Corporation between the first day of April, 1881, and the commencement of the Calentta Municipal (Locus) Act, 1914, the fallowing provisions shall have offect, namely, Act 1v mencement of the Calentta Municipal (Loans) Act. 1914, the the following provisions shall have effect, namely :-

Provisions commencement of

(1) The Corporation shall maintain a Sinking Municipal (Loops) Fund in respect of all such loans, and Act, 1911. shall pay into such Fund the following

(a) on the first day of January and the first day of July in each year, in respect of

[Ben. Act III

## (Part III.—Chapter VIII.—Loans.—Section 108.)

such of the said loans as were repaid before the thirty-first day of March, 1914, a sum representing four per cent. per annum on the amount of each of such loans, such payments to be continued, in the case of each of such loans, until the expiry of a period of forty-seven years from the date on which the loan was raised, and

- (b) on the first day of January and the first day of July in each year, in respect of such of the said loans as have not been repaid before the thirty-first day of March, 1914, a sum representing one per cent. per annum on the amount of each of such loans, until the loan is repaid, and
- (c) on the first day of January and the first day of July in each year, for a period of ten years, with effect from the first day of July, 1914, the sum of sixty-six thousand rupees.
- (2) When any of the said loans hereafter falls due for repayment, it shall be repaid—
  - (i) from the sums which have accumulated in the Sinking Fund maintained under clause (1) and in Sinking Fund A maintained before the commencement of the Calcutta Municipal (Loans) Act, 1914, to the extent to which six monthly payments of one per cent. per annum on the amount of any such loan would have accumulated at three per cent. compound interest from the date of its commencement, and
  - (ii) to the extent to which the sumareferred to in sub-chause (i) of this chause fall short of the sam required for repayment of the foan—from money to be borrowed by the Corporation for the purpose, for any period not exceeding the period by which the term of the original loan falls short of forty-seven years.

Act IV

#### (Part III.—Chanter VIII.—Loans.—Sections 109, 110.

(3) A separate Sinking Fund shall be established in respect of each amount borrowed under sub-clause (ii) of clause (2) of this section, and the provisious of sections 106 and 107 shall apply to each such Sinking Fund.

109. All securities and cash jointly or severally Method of dis-held, hefore the commencement of the Calentta represent to Municipal (Loans) Act, 1914, by the Secretary to the Corporation under Government of Bengal in the Financial Department 19th. Act IV of and the Accountant-General, Bengal, as Trustees for and in respect of Sinking Fund A referred to in subclause (i) of clause (2) of section 108 and transferred by them to the Corporation in pursuance of the provisions of that Act, shall be held by the Corporation as part of the Sinking Fund established under section 108 and all other securities and cash held in any other Sinking Fund established by the Corporation under the said Calcutta Municipal (Loans) Act. 1914, shall vest in the Corporation for the purpose of repayment of the loan in respect of which such Sinking Fund was

have been established under section 106. 110. (1) Notwithstanding anything contained in this Act, the Corporation may consolidate all or any of solidate their loans, and for that purpose may invite tenders loans for a new loan (to be called the Calcutta Municipal Consolidated Loan, 19 ') and invite holders of municipal debentures to exchange their debentures for serip of such loan.

established and such Sinking Fund shall be deemed to

Power to Corporation to con-

(2) The terms of every such consolidated loan, and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the previous

approval of the Government of India,

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the Government of India, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall provide for the repayment of every such consolidated loan by establish-

ing a Sinking Fund therefor.

(5) The provisions of sections 106 and 107 shall apply to cach Sinking Fund established under subsection (4):

Provided that, in calculating the sum to be paid into any such Sinking Fund in pursuance

[Ben, Act III

# (Part III.—Chapter VIII.—Loans.—Sections 111—113.)

section 106, any sums transferred to that fund in pursuance of proviso (i) or proviso (ii) to section 114 shall be taken into account.

Time for repayment of money borrowed to extinguish previous loan.

111. The time for the repayment of any money borrowed under this Act for the purpose of extinguishing any previous loan shall not, except with the express sanction of the Government of India, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Investment of Sinking Funds.

- 112. (1) All moneys paid into a Sinking Fund shall as soon as possible be invested by the Corporation in—
  - (a) Government securities, or
  - (b) securities guaranteed by the Government, or
  - (e) Calcutta Municipal debentures, or
  - (d) debentures issued by the Commissioners for the Port of Calcutta, or
  - (e) debentures issued by the Trustees for the Improvement of Calcutta,

and shall be held by the Corporation for the purpose of repaying from time to time the debentures issued by it.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate Sinking Fund and invested in the manner prescribed by sub-

section (1).

(3) Moneys standing at credit of two or more Sinking Funds may, at the discretion of the Corporation, be invested together as a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several Sinking Funds.

(4) Any investment made under this section may from time to time, subject to the provisions of sub-

section (1), be varied or transposed.

113. (1) For the purpose of investing any portion of the Municipal Fund (including Sinking Funds) the Corporation may, with the previous sanction of the Local Government, reserve and set apart for issue at par to and in the name of the Corporation of Calcatta any portion of the debentures to be issued on account of any loan, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

Power to Corporation to reserve a portion of lounlebentures for investment of Sinking Pands.

### (Part III,-Chapter VIII.-Loans,- Sections 114, 115.)

(2) The issue of any such debentures to the Corporation, as aforesaid, shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and

in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation, of any debenture issued by the Corporation shall not operate to extingnish or cancel any sneh debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

114. Until any loan is wholly repaid, the Corpora- Application Sinking Funds tion shall not apply the Sinking Fund established in respect of that loan to any purpose other than tho

repayment of that loan : Provided that—

(i) when any loan, or part thereof, which is raised after the commencement of this Act, is consolidated under section 110, the Corporation shall transfer to the Sinking Fund established for such consolidated loan the sum standing at credit of the Sinking Fund of the original loan, or if part only of a loan is consolidated, then such part of the sum standing at credit of the Sinking Fund of the original loan as is proportionate to the amount of the original loan which is incorporated in the consolidated loan; and

(ii) when any loan, or part thereof, which was raised before the commencement1 of the Calentta Municipal (Loans) Act, 1914, has been consolidated, the Corporation shall transfer such amounts as the Government of India may direct from the Sinking Fund maintained under clause (1) of section 108. and from Sinking Fund A maintained before the commencement of the said Act the Sinking Fund established for consolidated loans under section snb-section (4).

(I) The Executive Officer shall, at the end ment by Erron of each year, prepare a statement showing-

(a) the amount which has been invested during the year under section 112,

Application

1 The 11th March, 1914.

Act IV

Ben, Act III

## (Parl III.-Chapter VIII.-Loans.-Sections 116, 117.)

- (b) the date of the last investment made previous to the submission of the statement.
- (c) the aggregate amount of the securities then in the bands of the Corporation, and
- (d) the aggregate amount which has, up to the date of the statement, been applied under section 114, in or towards repaying loans.
- (2) Every such statement shall be laid before a meeting of the Corporation and published in the Calcutta Gazette.

116. All payments due from the Corporation for interest on and repayment of loans shall be made est and topayin priority to all other payments due from the Corporation.

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117. (It All Sinking Funds established under this Act shall be subject to annual examination by the Accountant-General. Bengal, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act. on the assumption that all investments are regularly made and the rate of interest as originally estimated

is obtained therefrom.

The value of securities belonging to a Sinking Fund shall be their current value unless they fall due for redemption at par or above before maturity of the Fund in which case their current value shall be taken as their redemption value, except in the case of Calcutta Municipal Debentures which shall always be valued at par, provided that the Corporation shall make good immediately any loss which may accrue on the actual sale of such debeutures at the time of the repayment of the loan.

(3) The Corporation shall forthwith pay into any Sinking Fund any amount which the Accountant-General may certify to be deficient, unless the Local Government specially sanction a gradual readjust-

ment. (1) If the cash and the value of the securities at credit of any Sinking Fund are in excess of the

#### (Part III.—Chapter VIII.—Loans.—Chapter IX.— Accounts.—Sections 118—120.)

amount which should be at its eredit, the Accountant-General shall cortify the amount of such excess sum, and the Corporation may thereupon transfer the excess sum to the Municipal Fund.

(5) If any dispute arises as to the accuracy of any certificate made by the Accountant-General under sub-section (3) or sub-section (4), the Corporation may, after making the payment or transfer therein mentioned, refer the matter to the Local Government,

whose decision shall be final.

118. (1) If any money borrowed by the Corporation from the Government, whether before or after Municipal Fund the commencement of this Act, or any interest or for recovery of costs due in respect thereof, is or are not repaid from the Owernaccording to the conditions of the loan, the Local Government may attach the Municipal Fund or any portion thereof.

for recovery of

(2) After such attachment, no person except an officer appointed in this behalf by the Local Government shall in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which the Corporation or any Municipal Officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

119. If the Corporation fail to make any payment as required by section 117, sub-section (3), the freeing payment as required by section 117, sub-section (3), the freeing payment at Sub-section (5) and freeing payment at Sub-section (6) and freeing payment at Sub-section (6) and freeing payment at Sub-section (6). or any portion thereof; and the provisions of section 118, sub-section (2), shall, with all necessary modifications, be deemed to apply.

#### CHAPTER 1X.

#### ACCOUNTS.

120. Accounts of receipts and expenditure of the Accounts to be Corporation shall be kept in such manner and in such forms as they may from time to time prescribe.

Ben, Act I

## (Part III.-Chapter IX.-Accounts.-Sections 121-123.)

Appointment powers of

121. (I) The municipal accounts shall be examine municipal audit and audited from time to time by auditors appointed in that behalf by the Local Government.

- (2) The auditors so appointed may,-
  - (a) by written summons, require the production before them of any document which they may consider necessary for the proper conduct of their andit :
  - (b) by written summons, require any porson accountable for, or having the enstody or control of, any such document to appear in person before them: and
- (c) require any person so appearing before them to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Reports and information to be shallanditors.

122. The auditors appointed under section 121

(a) report to the Corporation any material impropriety or irregularity which they

may observe in the expenditure, or in the

recovery of moneys due to the Corporation, or in the municipal accounts; (b) furnish to the Corporation such information as the Corporation may from time to time require concerning the progress of their

andit: and

(c) as soon as may be after the completion of their audit, deliver to the Corporation a report upon the municipal accounts.

Corporation to report to Local Government action on defects.

123. It shall be the duty of the Corporation to report to the Local Government as soon as possible the action taken by them, or in the case of a difference of opinion between the Corporation and the auditors the action which they propose to take, in respect of any defects or irregularities that may be pointed out by the auditors; and it shall be competent to the Local Government to pass such orders as they think fit upon such report, and such orders shall be final.

(Part IV.—Chapter X.—The consolidated rate.— Sections 124-126.)

#### PART IV.

#### TAXATION.

#### CHAPTER X.

#### THE CONSOLIDATED RATE.

#### Imposition of consolidated rate.

124. A consolidated rate not exceeding twenty- Power to Corthree per cent. on the annual valuation determined pose consolidated under this chapter may be imposed by the Corpora-rate, tion upon all lands and buildings in Calcutta for the purposes of this Act.

125. The amount of the said rate shall be fixed annually, in the manner provided in Chapter VII, how to be fixed with reference to the requirements of the Municipal

Fund.

#### Exemplions.

126. (1) Buildings used exclusively for purposes of public worship, and public burial or burning from consolidated grounds or other places for the disposal of the dead duly registered under Chapter XXXI, shall be exempt from the consolidated rate;

and the Corporation may either wholly or partially exempt from the consolidated rate any land or building used exclusively for purposes of public

ebarity:

Provided that the following land and buildings shall not be deemed to be used exclusively for public worship or for purposes of public charity within the meaning of this section, namely,-

(a) land or buildings in or on which any trade or business is carried on; and

- (b) land or buildings in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes or purposes of public charity.
- (2) Open spaces and parade grounds, which are the property of Government and over which, when not required for military purposes, the public are allowed to have free necess, shall be exempted from the consolidated rate, if the Local Government so direct.

Amount

Exemptions

Ben. Act III

## (Part IV.-Chapter. X.-The consolidated rate.-Section 127.)

- (3) The Corporation may exempt the owner of any hut from payment of the whole or any portion of the consolidated rate payable in respect of such hut, and in any such case they may exempt the owner of the land on which the but is built, or not, as they think fit.
- (4) The Corporation may, by resolution, exempt from the consolidated rate all lands and buildings the annual valuation of which, as determined under this chapter, does not exceed twenty rupees or such smaller sum as may be specified in such resolution:

Provided that no person shall be entitled to claim the benefit of such exemption if he owns or occupies more than one piece of land or more than one building and the aggregate annual valuation of all the lands or buildings owned or occupied by him exceeds twenty rupees or the said smaller sum.

#### Assessment of lands and buildings to the consolidated rate.

Annual value of tamed.

127. For the purpose of assessing land and land or building, buildings to the consolidated rate,—

- (a) the annual value of land, and the annual value of any building erected for letting purposes or ordinarily let, shall be deemed to be the gross annual rent at which the land or building might at the time of assessment reasonably be expected to let from year to year, less, in the case of a building, an allowance of ten per cent. for the eost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent; and
- (b) the annual value of any building not creeted for letting purposes and not ordinarily let shall be deemed to be five per cent. on the sum obtained by adding the estimated present cost of erceting the building, less a reasonable amount to be deducted on account of depreciation (if any), to the estimated present value of the land valued with the building as part of the same premises:

#### (Part IV.-Chapter X.-The consolidated rate.-Section 128.)

Provided as follows:—

(i) the annual value of a bustee shall be deemed to be the gross annual rent at which the land contain d within it, excluding the lands which have been left vacant for the purposes of any busice street prescribed in or under a standard plan approved by the Corporation under Chapter XXII, might reasonably he expected to let from year to year, plus the gross annual rent at which the huts creeted thereon might reasonably bo expected to let from year to year, after deducting therefrom the rent of the land and an allowance of ten per cent. for the cost of repairs and for all expenses necessary to maintain such a state to command such gross rent;

(h) in calculating the value of any land or building under this section, the value of any machinery on such land or in such building shall be excluded, but all fixtures including lifts and electric and other fittings which add to the convenience of the building shall be valued, subject in the case of a lift to such deduction from the valuation. as the Excentive Officer may think proper, on account of the cost of ropairs to, maintenance of, and attendance on, such lift:

(iii) if in the case of a building valued under clause (b), the annual value of which does not exceed five hundred supees, any exceptional eircumstances exist which render a valuation of five ner cent, on the cost of erecting the building less depreciation, excessive, a tower percentage may be taken;

(iv) when any building bas been valued at a special percentage taken under proviso (iii). it may be re-valued at any time after the exceptional circumstances referred to in that provise have eased to exist.

128. For the purpose of assessing land and buildings belonging to the Board of Trustees for the my belonging to the Improvement of Calcutta to the consolidated rate, the the calcutta to the consolidated rate, the the calcutta to the consolidated rate the calcutta to the consolidated rate the calcutta to the calcutta annual value of such land or building acquired Trust by purchase or otherwise by the Board for the oxecution of an improvement scheme for the purposes

Ben. Act III

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### (Part IV .- Chapter X .- The consolidated rate .-Sections 129, 130.)

the Calcutta Improvement Act, 19111, which of 1911. has been framed after the commencement of this Act, shall be deemed to be five per cent. on the cost of acquisition thereof, subject, on application made in this behalf by the Board, to revision by the Local Government; and such annual value shall be fixed from the date of the acquisition in each succeeding quarter on the basis of such cost, and shall, notwithstanding anything contained in section 131, remain in force until the streets (if any) laid out or aftered and the open spaces (if any) provided in executing the scheme have vested in the Corporation under section 65 of the said Act.

Explanation .- For the purposes of this section the cost of acquisition means-

(a) in the case of land and buildings acquired under the Land Acquisition Act, 18942, as amended by the Calcutta Improvement Act. 1911, the value of the land and buildings as determined by the Land Acquisition Collector or by the Tribunal under the Calcutta Improvement Act, 1911, or by any other higher appellate authority;

(b) in the case of land and buildings acquired by private treaty, the purchase price of such land or buildings;

- (c) in the case of land and buildings taken for an improvement scheme under section 54 or section 55 of the Calcutta Improvement Act, 1911, such amount as may be determined under either of those sections; and
- (d) in any other case, including the erection of any new structures subsequent to the acquisition, such valuation as may be determined by the Executive Officer.

129. Not with standing anything contained sections 151 to 156, and subject to the provisions of section 128, when any laud or building belonging to the Board is valued under section 128, no remission or refund of the consolidated rate assessed in respect of such land or building shall be allowed on the ground that it is unoccupied, but both the owner's and the occupier's share of the consolidated rate shall be payable in full as long as such land or building belongs to the Board and is assessed under section 128.

130. When the Board has executed any scheme referred to in section 128, and the streets (if any) laid out or altered and the open spaces (if any) provided in executing such scheme have vested in the Corporation under section 65 of the Calcutta Improvement Act, 1911, the valuation made under section 128 shall terminate, and any land or building acquired by purchase or otherwise by the Board for the execution of such scheme and remaining vested in

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for vacancy in building belonging to the Board

Revaluation of land or building Board after execution of an improvement scheme.

#### (Part IV .- Chapter X .- The consolidated rate .-Section 131.)

the Board at the termination of such valuation shall be revalued under section 127, and such revaluation shall remain in force for such period as remains unexpired

in the ward in which it is included. 131. (1) The valuation of any laud or building

situated in the several wards, the respective numbers, Assessment of names and boundaries of which are specified in duration of assess-Schedule VII, which has been made before the com- mentmencement of this Act, whether under the Bengal etil Municipal Act, 1884, or under the Calcutta Municipal et 111 Act, 1899, and which is in force at the commencement of this Act, shall remain in force and shall be deemed to he the valuation for the assessment of the consolidated rate on such land or huilding under this Act, until such time as the Executive Officer may make a fresh valuation of the lands and huildings in each such ward under this Act, and the annual value of such lands and huildings in each such ward shall, after such assessment has been made by the Executive Officer, have effect for a period of six years and may he rovised thereafter by the Executive Officer at the

termination of successive periods of six years. (2) Notwithstanding anything contained in sub-

section (1), the following conditions shall apply in the several cases hereinafter specified, namely.

(a) bustees with the buts upon them may be valued annually at the discretion of the Executive Officer, and shall be so valued on the application of the owner; and when such bustees are not re-valued, the former valuation shall remain in force from year to year until a re-valuation is made:

(b) any land or building the valuation of which has been cancelled on the ground of irregularity, or which for any other reason has no annual value assigned to it under this Act, may be valued by the Excentive Officer at any time during the currency of the period prescribed in respect of such land or building by sub-section (1), and such valuation shall remain in force, and the consolidated rate shall be levied according to it, for the unexpired portion of such period:

(c) if, during the currency of any period pres-Alterations cribed by sub-section (1), any substantial improvements. alteration and improvement is made in any

Hastees,

Unvalued lands and buildings

Alterations and

[Ben, Act III

Part IV.—Chapter X.—The consolidated rate. Section 131.)

> building the Executive Officer may cause such building to be re-valued; and such re-valuation shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period:

New buildings.

(d) if, during the currency of any period prescribed by sub-section (1), any new building is erected, the Executive Officer may cause such building to be valued; and such valuation shall remain in force, and the consolidated rate shall be levied according

Depreciation.

to it, until the expiration of the said period: (e) if, during the currency of any period prescribed by sub-section (1), the value of any building is reduced by reason of any substantial demolition or suffers depreciation from any cause proved to the satisfaction of the Executive Officer to have been beyond the control of the owner or occupier thercof, the Executive Officer shall, as soon as practicable, on application being made to him in writing by the owner or occupier of such building, cause it to be re-valued; and such re-valuation shall remain in force from the beginning of the quarter next following the date of the application, and the consolidated rate shall be levied according to it, until the expiration of the said period:

Alterations and improvements alter re-valuation. (f) if any building has been re-valued under clause (c) and any substantial alteration and improvement is made in the building during the currency of the period prescribed by that clause for the continuance of such re-valuation, the Executive Officer may cause a new valuation of such building to be made; and such new valuation shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period;

acquisition by Improvement Iruss. acquired by

(g) if, during the currency of any period mentioned in sub-section (1), the ownership of any portion of any building or land be purchase or otherwise by the Board of Trustees for the Improvement of Calcutta, the Executive Officer shall, on the application of the Board, divide the

Act V

(Part IV.-Chapter X.-The consolidated rate.-Section 131.)

> assessment of such building or land in the following manner, namely,-

- (a) the Executive Officer shall determine what proportion of the assessment such building or land shall remain assessed upon the residue of the building or land not so acquired, and such proportion shall from the date of acquisition until the expiration of the aforementioned period he deemed to be the assessment of such residue of the building or laud:
- (b) the valuation of the portion of the building or land acquired by the Board shall be fixed in the manner bereinbefore prescribed in sec-tion 128, and until such valuation comes into force the Board shall be held liable for the consolidated rate due for such portiou, and the amount due shall be deemed to be the amount of rates paid on the whole building or land prior to acquisition, less the amount for which the residual owner is made liable under sub-clause (a) of this elause:

(h) if, during the currency of any valuation mentioned in section 128 or section 130, any Calculta Improvebuilding or land, or portion thereof, vested in the Board be sold or otherwise transferred by the Board, except under section 65 of the Calcutta Improvement Act, 1911, the Executive Officer may cause the same to be rovalued under section 127, and such re-valuation shall be in force, and the consolidated rate shall be levied according to it, with effect from the quarter following the date of sale or transfer, until the expiration of the

Transfer by the

period mentioned in sub-section (1); (i) if any re-valuation be made under clause (h), the Board shall be entitled to a reduction in the total assessment fixed upon the build-for the execution of an improvement for the contract of the second of the contract of the contract of the second of the contract of ings and lands acquired by it for the exe-scheme cution of an improvement scheme for the purposes of the Calcutta Improvement Act.

Bengal Code, Vol. III.

[Ben. Act III

(Part IV.—Chapter X.—The consolidated rate.— Sections 132, 133.)

1911. to the extent of one-half of the annual valuation of the land or building, or portion thereof, thus transferred by the Board, from the quarter from which such re-valuation is fixed under section 127.

Separate valuation of land and hute in case of a bustee.

Assessment in case of land or building subdivided Into separate shares, 132. For the purpose of levying the consolidated rate in the case of a bustee, the Executive Officer shall cause the land contained within the bustee and the busteet within the bustee and the

huts standing on it to be valued separately.

133. If, during the currency of any period prescribed by sub-section (1) of section 131, the ownership of any land or building, or portion thereof, is subdivided into separate shares, the Executive Officer, may on the application of any of the co-owners, divide the assessment of such land, building or portion in the following manner, namely,—

(i) if the ownership be subdivided into two or more shares without separate allotments, or if as the result of such subdivision there is a separate allotment of such land, building or pertion into two or more separate portions, which are not entirely independent and capable of separate enjoyment, the Executive Officer may, if he thinks fit, apportion the assessment among the share-holders according to the value of their respective shares without

ussigning any separate number;
(ii) if, as the result of such subdivision, there are separate allotments of such land, building or portion and if such ullotments are made entirely independent and capable of separate enjoyment but not in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings, the Executive Officer may, if he thinks fit, assess such portions separately after assigning to them

separate numbers under this chapter: Provided that by such separate assessment the total assessment for the entire premises shall not be increased;

(iii) if such separated portions of such land, building or portion are, or are made, entirely independent and capable of separate onjoyment in conformity with

(Part IV .- Chapter X .- The consolidated rate .-Sections 134-136.)

> the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings, the Executive Officer shall assess each portion separately by assigning a separate number thereto:

Provided that by such separate assessment the total assessment for the entire premises shall not be increased:

Provided also that such apportionment or separation of the numbers and assessment, as the case may be, shall remain in force and the consolidated rate shall be levied accordingly until the expiration of the said period.

134. If any land or building, bearing two or ease of amaleamamore municipal numbers, or portions thereof, be tion of premises amalgamated into one or more new premises, the Executive Officer shall assess them, on amalgamation, after assigning to them one or more numbers, as the case may be, for the purposes of this chapter:

Provided that no assessment on amalgamation of premises shall be made by the Executive Officer unless there is a cause for the re-valuation of any of such premises execut on an application being made to him

unexpired period of the valuation of the ward in which the said premises are included:

Provided also that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises amal-

by the owner or owners thereof, in which case such assessment, if made, shall remain in force for the

gamated.

135. The Executive Officer may, in his discretion Executive Officer assess any outhouse appurtenant to a building, or separately of any portion of a building, separately from such build-assess outhouses and portions ing or the other portions of such building, as the buildings case may be; and, when any onthouse or portion of a building is so separately assessed, the same shall, for the purposes of this chapter, be deemed to be a separate building.

136. (1) The Executive Officer may, by written Returns and notice, require the owner or occupier of my land or persected for building to furnish him, within a fortnight after the radiation. service of the notice, with returns of the measurements and of the rent or annual value of the land or building.

[Ben. Act III

## (Part IV.—Chapter X.—The consolidated rate.— Sections 137—139.)

(2) Every owner and occupier on whom any such requisition is made shall be bound to comply with the same and to make a true return to the best of his knowledge or belief.

(3) The Executive Officer, or any person authorized by him in this behalf, may inspect, survey and

measure such land or building.

Public notice and inspection of valuations. 137. (1) When the valuation, under section 131 of the lands and buildings in any ward has been completed, the Executive Officer shall cause the respective valuations to be entered in a list and give public notice of the place where such list may be inspected.

(2) Such notice shall be by advertisement in local newspapers, and also by placards posted up in con-

spicuous places throughout such ward,

(3) The Executive Officer shall also cause a placard to be posted up in each bustee, showing separately for each building situated in the bustee the valuation assigned to it in the valuation list.

(4) The person having custody of the valuation list shall permit any person to inspect it and to make

extracts from it.

(6) No fee shall be charged for any such inspection; but there shall be payable, by all persons other than owners or occupiers of land in the ward and their agents, a fee of one rupee in respect of each

entry extracted.

Notice when valuation made for the first time or increased,

tise. The Executive Officer shall, in all cases in which any land, bustee or building is for the first time valued, or in which the valuation of any land, bustee or building previously valued is increased under section 131, give special notice thereof to the owner or occupier of the same; and when the valuation is so increased, the said notice shall contain a statement of the grounds of soch increase.

Notice of objection to valuation

139. (1) Any person who is dissatisfied with a valuation made under this chapter may deliver at the municipal office a written notice stating the

grounds of his objection to such valuation.

(2) Such notice shall be delivered within fifteen days after the publication of the notice referred to in section 137, or after receipt of the notice referred to in section 138, if such notice is received after the publication of the notice referred to in section 137:

Provided that the Executive Officer may, if he thinks fit, extend the said period of fifteen days to a

period not exceeding one month.

bł 1923.]

#### (Parl·IV,-Chapter X,-The consolidated rate.-Sections 140-143.)

140. (1) All such objections shall be entered in a register to be maintained for the purpose; and, on tion and investireceipt of any objection, notice shall he given to the gation thereof by objector of a time and place at which his objection or Deputy Executive Officer will be investigated.

Entry of objec-

. (2) At the said time and place the Executive Officer or a Deputy Executive Officer shall hear the objection, in the presence of the abjector or his agent if he appears, or may, for reasonable cause, adjourn the investigation.

(3) When the objection has been determined, the order passed shall be recorded in the said register,

together with the date of such order.

141. (1) Any person dissatisfied with the order passed on his objection may appeal to the Court of Cause Court. Small Causes having jurisdiction in the place where the land or building, to the valuation of which the chiection was made, is situated,

Appeal to Small

(2) Such appeal shall be presented to such Court of Small Causes within thirty days from the date of the order passed under section 140, and shall be accompanied by an extract from the register of objections containing the order objected to.

(3) The pravisions of Parts II and III of the Indian Limitation Act, 19081, relating to appeals, shall apply

to every appeal preferred under this section.

(4) No appeal shall be admitted under this section unless an objection has first been determined under section 140.

142. (1) Every valuation made by the Executive Officer under section 131 shall, subject to the provi- when to be final

sions of sections 139, 140 and 141, be final.

(2) Every order passed by the Executive Officer or Deputy Executive Officer under section 140 shall, subject to the provisions of section 141 he final.

(3) An appeal from a decision made by the Court of Small Causes under section 141 shall lie to the

High Court.

143. (1) The annual value fixed under this chapter shall be entered in one or more books to be kept for municipal assesstho purpose at the municipal office, wherein shall ment-book also be recorded—

Keeping

- (a) the number of each premises;
- (b) the description of each premises;
- (c) the name and place of abode of the owner and the name of the occupier:

(d) the amount of the valuation;

<sup>1</sup> Oeneral Acts, Vol VI.

(Part IV.—Chapter X.—The consolidated rate.— Sections 144, 145.)

- (e) the amount payable quarterly on account of the consolidated rate:
- (f) the fact of exemption (if any) from payment of the said rate; and
  - (g) such other particulars (if any) as the Executive Officer may from time to time direct.
- (2) The particulars mentioned in sub-section (2) may be contained in as many books as the Executive Officer may from time to time determine, which shall together constitute the municipal assessment-book.

(3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment-book as "the owner" or "the occupier", as the case may be.

Entry of names of owners and occupiers in assessment-book.

144. (1) Any owner or occupier may at any time apply to the Executive Officer to have his name entered as owner or occupier, as the case may be, in the assessment-book; and the Executive Officer shall, after giving the parties interested an opportunity of being heard, unless there is sufficient reason to refuse such application, cause such name to be entered in the assessment-book:

Provided that if such application is refused, the reason for the refusal shall be recorded in writing.

- (2) Where there are gradations of owners or occupiers, and doubt exists as to who is entitled to lave his name entered in the assessment-book as owner or occupier of the premises, the Executive Officer shall, after giving the parties interested an opportunity of being heard, determine which of the several owners or occupiers is so entitled, and his decision shall remain in force for the purposes of this Act unless and until it is set aside by the order of a competent Court.
- (3) No owner or occupier whose name is not enterted in the assessment-book shall be entitled to object that any bill, notice of demand, warrant or other notice of any kind required by this Act to be served on the owner or occupier of any laml or building, has not been made out in his own mane.

145. Whenever the title in any land or building, or in any part or share of any land or building, is transferred, the transferce shall, within three months after the execution of the instrument of transfer, or, if no such instrument be executed, after the

Notice of transfers of title, when to be given of 1923.)

#### (Parl IV.-Chapler N.-The consolidated rate.-Section 146.)

transfer is effected, give notice in writing of such

transfer to the Executive Officer:

Provided that in the event of the death of the person in whom such title vests, the person to whom, as heir or otherwise, the title of the deceased is transferred by descent or devise, shall, within one year from the death of the deceased, give notice in writing of such transfer to the Executive Officer.

146. (1) Notwithstanding anything contained in section 142, the Executive Officer may at any time cause Officer to

amend the assessment-hook-

l'ower to Excsmend A15018ment-book.

(a) by inserting therein the name of any person whose name ought, in his opinion, to be so inserted, or by inserting any land or building which is, in his opinion, liable to the consolidated rate, or by inserting a valuation when the land or building liable to be valued has not been valued; or

(b) by striking out the name of any person, or by striking out any land or building which is. in his opinion, not liable to the consolidated rate, or by reducing the amount of any

valuation: or

(c) by increasing the amount of the valuation of any premises where, in his opinion, such premises, at the time of the last general valuation, have been substantially undervalued by reason of misrepresentation or frand:

Provided that, whenever it is proposed to make any amendment under clause (a), notice shall be given to persons interested of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment:

Provided also as follows:-

(i) no amendment shall be made under clause (c) except by the Exceptive Officer; and

(it) whenever it is proposed to make any such amendment, notice shall be given to the owner and occupier of the piemises coneerned of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment: and

(iii) clause (c) shall not apply to any valuation of any premises determined on appeal to the Court of Small Causes or to the High Court

as the ease may be.

(Part IV.—Chapter X.—The consolidated rate.— Sections 144, 145.)

- (e) the amount payable quarterly on account of the consolidated rate;
- (f) the fact of exemption (if any) from payment of the said rate; and
  - (q) such other particulars (if any) as the Executive Officer may from time to time direct.
- (2) The particulars mentioned in sub-section (2) may be contained in as many books as the Executive Officer may from time to time determine, which shall together constitute the municipal assessment-book.
- (3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment-book as "the owner" or "the occupier", as the case may be,

Entry of names of owners and occupiers in assessment-book.

apply to the Executive Officer to have his name entered as owner or occupier, as the case may be, in the assessment-book; and the Executive Officer shall, after giving the parties interested an opportunity of being heard, unless there is sufficient reason to refuse such application, cause such name to be entered in the assessment-book:

Provided that if such application is refused, the reason for the refusal shall be recorded in writing.

- (2) Where there are gradations of owners or occupiers, and doubt exists as to who is entitled to have his name entered in the assessment-book as owner or occupier of the premises, the Excentive Officer shall, after giving the parties interested an opportunity of being heard, determine which of the several owners or occupiers is so entitled, and his decision shall remain in force for the purposes of this Act unless and until it is set aside by the order of a competent Court.
- (3) No owner or occupier whose name is not entered in the assessment-book shall be entitled to object that any bill, notice of demand, warrant or other notice of any kind required by this Act to be served on the owner or occupier of any land or building, has not been made out in his own name.

Notice of translers of title, when to be given.

145. Whenever the title in any land or building, or in any part or share of any land or building, is transferred, the transferre shall, within three months after the execution of the instrument of transfer, or, if no such instrument be executed, after the

(Part IV.-Chapter X.-The consolidated rate.-Section 146.)

transfer is effected, give notice in writing of such transfer to the Executive Ollicer:

Provided that in the event of the death of the person in whom such title vests, the person to whom, as heir or otherwise, the title of the deceased is transferred by descent or devise, shall, within one year from the death of the deceased, give notice in writing of such transfer to the Executive Officer.

146. (1) Notwithstanding anything contained in section 142, the Executive Officer may at any time cutive Officer to

amend the assessment-book-

Power to Exement-hook

- (a) by inserting therein the name of any person whose name onght, in his opinion, to be so inserted, or by inserting any land or building which is, in his opinion, liablo to the consolidated rate, or by inserting a valuation when the land or building liable to be valued has not been valued; or
- (b) by striking out the name of any person, or by striking out any land or building which is. in bis opinion, not liable to the consolidated rate, or by reducing the amount of any valuation; or
- (c) by increasing the amount of the valuation of any premises where, in his opinion, such premises, at the time of the last general valuation, have been substantially undervalued by reason of misrepresentation or fraud.

Provided that, whenever it is proposed to make any amendment under clause (a), notice shall be given to persons interested of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment:

Provided also as follows:-

(i) no amendment shall be made under clause (c) except by the Excentive Officer; and

(ii) whenever it is proposed to make any such amendment, notico shall be given to the owner and occupies of the premises conecrned of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment : and

(iii) clause (c) shall not apply to any valuation of any premises determined on appeal to the Court of Small Causes or to the High Court as the ease may be.

## (Part IV.—Chapter X.—The consolidated rate.—) Sections 147—149.)

(2) If any amendment be made under clause (a) or clause (c) of sub-section (1), any person on whom a notice is to be served under the first or second proviso to sub-section (1), may object by written application to the Executive Officer, to be delivered at the municipal office three clear days before the day fixed in the said notice; and the provisions of sections 139 to 142 shall, with all necessary modifications, be deemed to apply to such objection.

Period for which revised valuations to continue in force.

147. When the valuation of any land or building is revised in consequence of an objection made under section 139 or section 146, snh-section (2), or an appeal is preferred under section 141, the revised valuation shall take effect from the quarter in which the first-mentioned valuation would have taken effect, and shall continue in force for the period for which the said first-mentioned valuation was made, and no longer.

Effect of entries in assessmenthook.

148. (1) The assessment calculated on the valuation for the time being shown in the assessment-hook shall be deemed to be the amount payable during the

whole period for which the valuation is in force. (2) When any anneadment has been made in the assessment-book, such period shall, unless otherwise specially provided, be calculated—

(a) from the commencement of the quarter next succeeding that in which the notice of objection was delivered under section 139 or section 146, sub-section (2); or,

(b) if no such notice has been delivered, then from the commencement of the quarter next succeeding that in which such amendment was made:

Provided that the old valuation shall, notwithstanding that the period for which it was made may have expired, continue in force until the commencement of the quarter referred to in clause (a) or clause (b), as the case may be.

## Payment and recovery of the consolidated rate.

Payment of consolidated rate.

149. One-half of the consolidated rate shall be payable by the owners of the lands and buildings, and the other half by the occupiers thereof; and each such instalment shall be payable on or before the fifteenth day of April, the fifteenth day of July, the fifteenth day of October and the fifteenth day of January for the quarters respectively commencing on the first day of each of those months.

#### (Part IV.—Chapter X.—The consolidated rate.— Sections 150-152.)

150. If the annual value of any land or building, as determined under this chapter, exceeds in any ease tenent in certain the amount of the rent payable to the owner for the cases of part of the owner; share land or building,

the owner may in such case, notwithstanding anything contained in any other law for the time being in force in Bengal, recover from the person who pays him rent the difference between the sum assessed as the owner's share of the consolidated rate in respect of such land or building and the sum at which such share would have been assessed had the land or building been valued only at the amount of rent actually payable to the owner,

and such difference shall be added to the rent and shall be recoverable as rent by the owner from the

nerson liable for the payment of the rent.

151. When any land or building which has been nssessed to the consolidated rate has remained unsixty or more consecutive days and a written notice of the facts has been given to the Executive Officer, he elinlI—

- (a) remit one-half of the owner's share of the consolidated rate due on account of such period.
- (b) If the whole of such share has been paid, refund, on application made therefor, onehalf of such share:

Provided that, when any land not being wakf or debutter property, which In the opinion of the Cornoration is suitable for a building site, is not adequately utilized for such a purpose for a period of more than three years, the right to a remission of the consolidated rate for a vacancy in this respect, although the land is not occupied and is not productive of rent, shall cease on the expiration of such period, unless the Corporation exempt such land from the operation of this provise on the ground that it is necessary for the land to be left open for the purpose of ventilation, or that in their opinion special circumstances exist which render it Impracticable for the owner or lessee to utilize the land as a building site.

152. Any person who has, in respect of any land or building which has been assessed to the consolidate considerate. ed rate, paid the occupier's share of such rate for the whole of any quarter, shall be entitled to a refund of

## (Part IV.—Chapter X.—The consolidated rate.— Sections 153—155.)

the rate so paid for any period in that quarter during which he did not occupy such land or building, provided that such person has given notice in writing of the facts to the Executive Officer.

Notice under vertion 191 or section 192, when to be delivered.

153. Every notice referred to in section 151 or section 152 shall be given during the period for which the land or building is unoccupied and unproductive of rent, or during the period of the vacancy, as the case may be; and such period shall be calculated from the date on which such notice is delivered at the municipal office:

Provided that, if the notice is delivered within seven days of the vacancy, the remission shall be allowed with effect from the date of the vacancy.

Application for refund, when to be made.

154. No refund of any amount shall be made under section 151 or section 152 unless the same is applied for within one year from the date on which the amount was paid.

Notice of reoccupation, when to be given.

155. Whenever any land or building which has been assessed to the consolidated rate and has been unneeenpied is re-occupied, the person liable to pay the owner's share of the rate in respect of such land or building shall, within fifteen days from the date of ra-occupation, give notice thereof in writing to the Executive Officer.

liate payable from date of reoccupation

156. Whenever any land or building which has been assessed to the consolidated rate and has been unoccupied is re-occupied during any quarter, the occupier's share of the rate in respect of such land or building shall be payable from the date of such re-occupation.

Power of Execative Officer to levy entire rate from owner in certain cases

157. Huny land or building is ordinarily occupied by more than one person holding in severalty, or is valued at less than two hundred rupees, the Executive Officer may, notwithstanding anything contained in section 149, levy the entire consolidated rate from the owner of such land or building.

lterovery from occupier of portion of rate pall by owner under metion 157.

the owner of such laid or binding.

158. When the otire consolidated rate is paid by the owner of any land or building under section 157, such owner may, if there be but one occupier of the land or building, recover from such occupier half of the rate so paid, and may, if there be more than one occupier, recover from each occupier half of such sum as hears to the entire amount of rate so paid by the owner the same proportion as the value of the partion of the land or building in the occupation of such occupier hears to the entire value of such land or building.

#### (Part IV .- Chapter X .- The consolidated rate. -Sections 159-162.)

159. (1) Notwithstanding anything contained in section 149, the entire consolidated rate leviable rate to be paid by upon a bustee shall, after deducting therefrom a sum equal to one-eighth of such rate, be paid by the owner of such bustee :

Consolidated

Provided that if the owner of the bustee is also the owner of the lats therein, no such deduction shall be made.

- (2) Whenever the consolidated rate is leviable nnon a bustee, the owner of the land contained within such bustee may recover from the owner of each lint standing thercon-
  - (i) one-half of the consolidated rate payable in respect of the land on which the hat stands;
  - (ii) the entire consolidated rate payable in resnect of the but.
- (3) The snm deducted under sub-section (1) shall be retained by the owner of the bustee-
  - (a) as a set-off against the expenses which may be incurred in collecting the portion of tho rate recoverable under sub-section (2) from the owners of huts, and
  - (b) as a commutation of all refunds in respect of hnts which are vacant or which may be removed or destroyed during the continnance of the period for which the rate is leviable.

160. The consolidated rate shall not be payable on account of any new buts built or any litts enlarged on new or esin a busice during the year for which the valuation larged buts in a of the busice remains in force nuder clause (a) of subsection (2) of section 131.

Consolulated

161. The Corporation may, by order, from time to time and for such period as may be specified in the poration to except order, except any busies or any part of a busies from 122, the operation of section 159; and while any such order is in force in respect of any busice or part thereof, the other provisions of this Act as to the payment and recovery of the consolidated rate shall apply to such bustee or part,

Power to Cor-

162. The Executive Officer may, by written notice, Require the occupier of any land or building to save closers. furnish him within fifteen days with the name and address of the owner of such land or building.

Regarin for

## (Fart IV.—Chapter X.—The consolidated rate.— Sections 163, 164.)

Occupier liable to owner's rate on failure to furnish owner's name and address

163. If the occupier of any land or building refuses or neglects to comply with a notice served under section 162, he shall be liable to pay the rate payable by the owner on account of such land or building; and, on non-payment thereof, the Executive Officer may recover the same by distress and sale of any movable property found on the land or in the building:

Provided that no arrear of the rate which has remained due from the owner of any land or building for more than one year shall be so recovered from the occupier thereof.

Payment of consolidated rate, how affected by objections to valuation.

- 164. (1) When an objection to a valuation has been made under section 139, the consolidated rate shall, pending the final determination of the objection, be paid on the previous valuation.
  - (2) If, when the objection has been finally detormined, the previous valuation is altered, then—
    - (a) any sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Corporation under this Act, and
    - (b) any deficiency shall be deemed to be an arrear of the consolidated rate and shall be payable and recoverable as such:

#### Provided that-

- (i) if any premises have, for the purposes of valuation under section 131, been for the first time valued or subdivided or amalgamated with any other premises, and an objection to the valuation thereof has been made under section 139, then the consolidated rate shall, pending the fluid determination of the objection, be paid on such valuation; and
- (ii) if, when such objection has been finally determined, such valuation is reduced, and if the consolidated rate has already been paid thereon, then the sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Corp. under 'Act.

1851.

(Part IV.—Chapter XI.—Tax on carriages and animals.—Sections 165-167.)

#### CHAPTER XI.

#### TAX ON CARRIAGES AND ANIMALS.

Carriages and animals specified in Schedule VIII.

165. (1) A tax, at rates not exceeding those respeetively prescribed in Schednle VIII, shall be imposed tisges and animals upon all carriages and animals specified in that schedule and kept or used in Calcutta, except-

- (a) carriages kept for sale by bond fide dealers in such earriages and not used for any other jurpose;
- (b) carriages and animals belonging to the Government and maintained-
  - (i) for the use of the Governor of Bengal or his staff or household; or
  - (ii) for police or military purposes;
- (c) carriages and animals maintained by authority for the purposes of a fire-brigade;
- (d) carriages and animals certified by the Commissioner of Police to he ordinarily used by the owners thereof for police purposes:
- (c) tram-cars employed in working street tramways, and exempted under any contract with the Corporation; and
- (f) horses which any person exempted from the operation of any municipal tax by an order issued under section 3 of the Municipal Taxation Act, 1881, is bound by the regulations of the service to which he belongs, to keen.
- (2) The rates at which the said tax is to be imposed shall be determined annually in the budget estimate prepared under Chapter VII.

166. The tax imposed under section 165 shall be

payable half-yearly in advance.

167. (1) The owner or the person in charge of any carriage or animal liable to the tax imposed under ments, and paysection 165 shall, before the first day of May and the ment and remisfirst day of November in each year .--

Tax, when pay-

Ohligation aion of tax.

(a) forward to the municipal office a written statement, signed by him, containing a description of all carriages and animals owned by him or in his charge which are so liable, and

<sup>2</sup> Ocueral Acts. Vol. Ili

# (Part IV.—Chapter XI.—Tax on carriages and animals.—Section 168.)

- (b) at the same time pay to the Corporation the tax payable for the current half-year in respect of the carriages and animals specified in such statement.
- (2) Any person who becomes the owner or takes charge during any half-year of any carriage or animal tiable to the tax imposed under section 165 shall, within one week of his so becoming owner or taking charge.—
  - (i) forward to the municipal office a statement of the kind mentioned in clause (a) of subsection (1), and
  - (ii) at the same time, pay to the Corporation the tax payable in respect of such carriage or animal for the whole of the said half-year;

Provided that the tax payable in respect of any carriage or animal shall not be levied twice for the same half-year.

- (3) If the Corporation are satisfied-
  - (i) that any carriage liable to such tax has not been used during the half-year, or
  - (ii) that any carriage or animal liable to such tax has been kept for only a portion of the half-year,

they may refund or remit the whole of the tax payable in respect of such carriage or animal for the said half-year or such portion of such tax as they may think fit.

(4) For the purpose of this section a livery stable-keeper shall be deemed to be the owner or to be in charge of every carriage or animal in his stables.

Power to Lorporation to require occupier to lurnish statements

- 168. The Corporation may from time to time, by written notice, require the occupier of any land or building to forward to them a statement, signed by such occupier, containing—
  - (i) the name and address of every person who owns or is in charge of any carriage or animal which is kept in or on such hand or building and is liable to the tax imposed under section 165, and
  - ii) a description of all such carriages and animals,

(Part IV.-Chapter XI.-Tax on carriages and animals.—Sections 169—172.)

. 169. (1) When any person pays to the Corpora- Grant of Ricease tion the amount of the tax imposed under section 165 tax. which is payable in respect of all carriages and animals kept by bim, the Corporation shall grant him a license to keep such carriages and animals during the engrent half-year, and no longer.

(2) The Corporation may at any time grant a similar license for any previous half-year for which no license has been taken ont, on payment of the

amount due for that half-year:

Provided that the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

170. The Corporation may, in their discretion, Fower to Corcompound, for any period not exceeding one year, points in the compound any livery stable-keeper or other person keep-stable-keepers, etc. for tax ing carriages for hire, or animals for sale or hire, for a certain sum to be paid in respect of the carriages or animals so kept by such persons in lieu of the tax imposed thereon under section 165.

171. The Corporation may, by written notice, Powerto Corporation may, by written notice, require any person who carries on the trade or busine to require new fine trade or business of a livery stable-keeper to produce, for their books and accounts relating to such stable-keeper trades.

trade or business.

trade or business.

172. (1) The Corporation may inspect any stable, Power to Corporation to project concenhence or other place for any of the purposes, or any premer in the provisions of this chapter.

is found in respect of which no license has been obtained, the Corporation— (2) If, on such inspection, any carriage or animal chapter,

(a) may, if the owner or person in charge of such earriage or animal is nuknown, take possession of such carriage or animal, and

- (b) shall thereupon make such order as they may think fit respecting the enstedy of such carriage or animal.
- (3) If any person, within one month from the date of such order, establishes, to the satisfaction of the Corporation, his claim to the possession of such carriage or animal, the Cornoration shall order it to be delivered to him on payment of the tax due, together with such costs as the Corporation have reasonably incurred in taking possession of and keeping the same.

visions of

(Part IV.—Chapter XI.—Tax on carriages and animals.—Section 173.)

- (4) If no person within the said period satisfies the Corporation that he is entitled to the possession of such carriage or animal, the Corporation may—
  - (i) cause the same to be sold for the recovery of the tax and costs referred to in sub-section
     (3). and
  - (ii) order the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale), to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Corporation, his claim to such proceeds.

#### Dogs.

lax on dogs.

173. (1) A tax not exceeding five rupees per annum shall be imposed upon every dog kept in Calcutta:

Provided that the Executive Officer may in his discretion exempt from the tax any dog which appears to him to be less than six months of age until in his opinion it shall reach that age.

(2) Such tax shall be payable yearly in advance, and the rate at which it is to be imposed shall be determined annually in the Budget Estimate prepared under Chapter VII.

(3) The owner or person in charge of any dog liable to the tax imposed under sub-section (1) shall,

before the first day of May in each year,-

- (a) forward to the municipal office a list, signed by him, of all dogs owned by him or in his charge which are so liable, and
- (b) at the same time pay to the Corporation the tax payable for the current year in respect of every such dog.
- (4) Any person who, in the course of any year, becomes the owner or takes charge of any dog shall, within one week of his so becoming owner or taking charge, furnish a like statement and pay to the Corporation the tax payable for that year in respect of such dog:

Provided that the tax payable in respect of any dog shall not be levied twice for the same year.

#### (Part IV.-Chapter XI.-Tax on carriages and animals.—Section 174.)

174. (1) When any person has paid to the License number-ticket Corporation the tax payable in respect of any dog, for, and disposal the Corporation shall-

and

- (a) grant him a license to keep such dog during the current year, and
- (b) provide him with a number-ticket, the number whereof shall be specified in the said lieeuse.
- (2) The owner or person in charge of any dog so licensed shall at all times cause the said numberticket to be kept attached to the collar or otherwise suspended from the neek of the dog.
- (3) Any dog which has no such number-ticket for the then current year so attached or suspended-
  - (i) shall be presumed to be an unlicensed dog, and
  - (ii) may be seized by the police or by any person duly authorized by the Corporation in this hehalf, and detained until the tax due (if any) has been paid.
- (4) If any person, within seven days from the date of such seizure, satisfies the Corporation that he is the owner or keeper of such dog, the Corporation shall order it to be delivered to such person on payment of the tax due (if any), together with the costs incurred by the Corporation in keeping the dog.
- (5) If, within the said seven days, no person satisfies the Corporation that he is the owner or keeper of the dog or pays the said tax and costs, the Corporation may eause the dog either-
  - (a) to be destroyed, or
  - (b) to be sold and the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale) to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Corporation, his claim to such proceeds.

(Part IV.—Chapter XII.—Tax on professions, trades and callings.—Sections 175, 176.)

#### CHAPTER XII.

TAX ON PROFESSIONS, TRADES AND CALLINGS.

Licenses to be taken out annually. 175. Every person who exercises or carries on in Calcutta, either by himself or by an agent or representative, any of the professions, trades or callings indicated in Schedule VI, shall annually take out a license and pay for the same such fee as is mentioned in that behalf in the said schedule;

Provided that the grant of such a license shall not be deemed to affect the liability of the licensee to take out a license under any other section of this Act;

Provided also that the Corporation may-

- (a) remit or refund any portion of the fee so payable in respect of the exercise or carrying on of any profession, trade or calling, if they are satisfied that the profession, trade or calling has been exercised or carried on for six consecutive months only; or.
- (b) when any person is, in the opinion of the Corporation, unable to pay the fee due for a license, exempt him from liability to take out such license, or declare that he shall be entitled to take out a license under a lower class than that under which he is chargeable according to the said schedule;
- (c) in any other case, exempt any person from liability to take out a license or declare that any person shall be entitled to take out a license under a lower class than before.

Orant and contents of licenecs

- 176. (1) Every license mentioned in section 175 shall, in addition to the particulars required by section 498, sub-section (1), specify—
  - (a) the profession, trade or calling in respect of which it is granted; and
  - (b) if the license is a local license as defined in rule 2 of Schedule VI. the place of business where the said profession, trade or calling is exercised or carried on.
- (2) The Corporation may at any time grant a license for any previous year for which no Ifcense has been taken out, on payment of the fee which

of 1923,]

(Part IV .- Chapter XII .- Tax on professions, trades and callings.-Chapter XIII.-Scavenging-tax.-Sections 177-179.)

would have been payable therefor in the first instance :

Provided that the production of such a lieense shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

177. The liability of any person to take out a license, and the class under which he shall be deemed class, how to be bound to take out a license, shall be determined in determined. accordance with the rules contained in Schedule VI.

Liability

178. The Corporation may, by written notice, require the occupier of any hailding or place of poration husiness to forward to them within seven days a list, require signed by such occupier, of the names of all persons exercising or carrying on any profession, trade or calling therein, and of their respective professions. trades and callings.

Power to Cor-

#### CHAPTER XIII.

#### SCAVENGING-TAX.

179. Every person who exercises in Calentta any taken out halfof the callings indicated in Part I of Schednle 1X taken out halfshall every half-year take out a license and pay for by partification. the same a fee, to be calculated-

- (a) according to the average number of animals kept by him in the exercise of such calling, as determined from tune to time by the Corporation, or
- (b) in the case of the owner or occupier of a market, according to the average quantity of offensive matter and rubbish removed daily, as determined from time to time by the Corporation,

at the rates mentioned in Part II of the said schedule .

Provided that the Corporation may remit or refund the whole or any portion of the fee so payable hy any person in respect of any half-year if they are satisfied that such person himself removes the offensive matter and rubbish accumulating on his premises or has exercised his said calling for a portion only of such half-year.

(Part IV.—Chapter XIII.—Scavenging-tax.—Chapter XIV.—Tax on petroleum.—Sections 180—182.)

Grant and contents of licenses.

- 180. (1) Every license mentioned in section 179 shall, in addition to the particulars required by section 498, sub-section (1), specify—
  - (α) the calling in respect of which it is granted;
  - (b) the animals in respect of which it is granted, or, in the case of a market, the average quantity of offensive matter and rubbish removed daily, as determined by the Corporation.
- (2) Every such license shall be taken out not later than the first day of June or the first day of December in cach year, as the case may be.

#### CHAPTER XIV.

#### TAX ON PETROLEUM.

Control by Corporation of storage and taxation of petroleum

- 181. (1) The Corporation may, by notification in the Calcutta Gazette and with the previous sanction of the Local Government, prohibit the introduction into Calcutta, for the purpose of storage therein, of petroleam intended for consumption elsewhere.
- (2) No person shall introduce petroleum into Calentta in contravention of any notification published under sub-section (1).
- (3) When any such notification has been published, a tax not exceeding four annuas for every ten gallons may, with the sanction of the Local Government, be imposed in the manner provided by Chapter VII, on all petroleum introduced into Calentta for consumption therein.

Confirention of petroleum

- 182. (I) All petroleum introduced into Calcutta in contravention of any notification published under section 181, sub-section (I), or of any by-hw made under clause (2) of section 478, may be seized and confiscated.
- (2) All petroleum confiscated under this section shall become the property of the Corporation.

## (Part IV.—Chapter XV.—Tax on carts.— Section 183.)

#### CHAPTER XV.

#### TAX ON CARTS.

183. (1) Every eart kept or used in Calcutta of the Municipality of Howrah except—

Registration and numbering of carts.

- (a) earts which are the property of the Government.
- (b) earts which are the property of the Corporation of Calcutta, of the Commissioners of the Municipality of Howrah or of any other municipality in the neighbourhood of Calcutta or Howrah, declared by notification under section 185 as being entitled to a share in the cart-registration fees,
- (c) earts which are kept at any place more than eight miles distant from Government House and are only temporarily and infrequently used in Calcutta or the Municipality of Howrah.
- (d) carts helonging to the Government and maintained—
  - (i) for the use of the household and establishment of the Governor of Bengal, or
  - (ii) for police or military purposes, and
- (e) carts maintained by any authority for the purposes of a fire-brigade,

shall be registered at the municipal office with the name and residence of the owner, and the place where the eart is ordinarily kept and shall have a number-plate, showing the number of such registration affixed thereto in such manner as the Corporation may direct.

(2) Such registration shall be made, and the said numbers assigned, half-yearly, upon such dates as the Corporation may appoint in that behalf.

(3) No person shall keep or be in possession of a eart not duly registered under this section.

(4) No owner or driver of a cart shall fail to affix thereto a number-plate as required by sub-section (1).

(5) The Corporation may refuse to register any cart which fulls to conform to the by-laws made in regard to carts under this Act.

(Part IV .- Chapter XIII. - Scavenging-tax. - Chapter XIV.—Tax on netroleum.—Sections 180—182.)

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  - (d) carts belonging to the Government and maintained—
    - (i) for the use of the household and establishment of the Governor of Bengal, or
    - (it) for police or military purposes, and
  - (e) carts maintained by any authority for the

(Part IV.-Chapter XVI.-Recovery of the consolidated rate and other taxes.—Sections 198-200.)

a refund thoreof shall be made to the person who was in possession of the movable property at the time of its seizare.

(6) Any such surplus not so elaimed shall be the

property of the Corporation.

198. (1) If the proceeds of any sale under section 197 are not sufficient to cover the sam due, together position to issue with the costs of recovery, the Corporation may when Issue a fresh warrant of distress in the form io Schedule XI, or in a form to the like effect, for the recovery of the balance due and for all additional easts thereof.

Power to Cor . ceeds Insufficient.

(2) The provisions of sections 191 to 197, inclusive. shall, with all necessary modifications, he deemed to apply whenever a warrant is issued under sub-section

(1).

199. (1) If the sum due from the owner of any Recovery of land or building on account of the consolidated rate rate from occaremains aupaid after notice of demand has been duly per, or his subserved upon him, the Corporation may cause a notice deduction of demand to be served upon the occupier of such land amount from rent. or building, or upon any of his sub-tenants for the time being thereof.

(2) If such occupier or any of such sub-tenants fails within iffteen days from the service of such notice to pay the amount therein demanded, the said amount may be recovered from him by distress and sale under the provisions of this chapter.

(3) No arrears of the owner's share of the consolidated rate shall be recovered from any occupier or sub-tecant under this section if it has remained due for more than one year or if it is due on account of any period during which such occupier or sub-tecant was not in occupation of the land or building in

respect of which the rate is due.

(4) If any sum is paid by or recovered from any occupier or sub-tenant of any land or building noder this section, he shall be entitled to deduct the same from the rent payable by him in respect of such land or building for the period for which the arrear of consolidated rate was due, or for any subsequent period.

200. The purchaser of-

(a) any laud or building, or,

(b) any share, divided or undivided, in any land consolidated rate. or building,

Liability purchaser vendor's share of

in respect of which any sum is due at the time of purchase on account of the owner's share of the

(Part IV.-Chapter XVI.-Recovery of the consolidated rate and other taxes.—Sections 207—210.)

Election by de Corporation.

- 207. Within seven days after the service on any to appear before person of a notice of demand under section 206, such or person may-
  - (a) pay the sum demanded together with any fee imposed under section 190, sub-section
    - (b) send a letter to the Corporation enclosing the sum demanded and electing to be prosecuted under section 492, or
  - (c) appear before the Corporation personally or by agent, and contest the demand.

Procedure

208. (1) If any person adopts the procedure Corporation after provided by clause (b) of section 207, he shall be profaulter under secuted as therein mentioned.

and the sum deposited under that clause shall be deducted from the amount of any fine imposed under section 492.

(2) If he contests the demand in pursuance of clause (c) of section 207, the decision of the Corporation, after hearing anything that may be urged by hom or on his behalf, shall be final.

and if the Corporation find that the amount of the demand is due, they may, by way of penalty for previous failure to pay such amount, inclease the same by any sum not exceeding fifty per cent, thereof.

Power to Corporation to inpenalty crease where defaulter does not appear before Magistrate or Corporation

209. If, within seven days after the service on any person of a notice of demand under section 206, the said person has not taken any of the courses permitted by section 207, the Corporation may, by way of penalty for previous failure to pay the amount due, increase the same by any sum not exceeding fifty per cent, thereof.

Distraint

210. (1) If, in any case referred to in section 208, snb-scetion (2), or section 209, the amount of the demand, together with the amount of any penalty imposed thereunder, be not forthwith paid by the person liable to pay the same,

such amount may, with all costs of recovery, be recovered under a warrant in the form in Schedule XI, or in a form to the like effect, by distress and sale

of the movable property of such person.

(2) The provisions of sections 191 to 198 and sections 201 to 203, inclusive, shall, with all necessary modifications, be deemed to apply whenever a warrant is issued under sub-section (1).

(Part IV .- Chapter XVI .- Recovery of the consolidated rate and other taxes .- Part V .- Chapter XVII.—Water-supply.—Sections 211-214.)

211. (1) Notwithstanding anything contained in section 210, if any person included under class VIII, hawkers goods number 81, or class IX, number 83, in Schedule VI fails to take out a license under section 175, the Corporation may cause the goods, which such person is hawking for sale, to be seized.

Power to Cor-

(2) Any goods so seized shall be dealt with under the provisions of this chapter, as property distrained under section 191.

#### Supplemental provisions.

212. (1) No assessment and no charge or demand rand for defect of of the consolidated rate or any other tax made under form this Act shall be called in question or in any way affected by reason of-

- (a) any mistake-
  - (i) in the name, residence, place of business or occupation of any porson liable to pay the tax, or
  - (ii) in the description of any property or thing liable to the tax, or
  - (iii) in the amount of assessment of tax; or
- (b) any clerical error: or
- (e) any other defect of form.
- (2) It shall suffice in the case of any such tax on property or any assessment of value for the purpose ol any such tax, if the property taxed or assessed is so described as to be generally known.

and it shall not be necessary to name the owner or

occupier thereof.

213. The Corporation may order to be struck off cancellate the books any sum due on account of the consolidated age. rate or any other tax or any other account, which may appear to them to be irrecoverable.

#### PART V.

#### THE PUBLIC HEALTH, SAFETY AND CONVENIENCE.

#### CHAPTER XVII.

#### WATER-SUPPLY.

#### Proprietary rights of the Corporation.

214. All public tanks, reservoirs, cisterns, wells, Public water aquednets, conduits, tunnels, pipes, taps and other in the Corpora water-works, whether made, laid or erected at the cost tion.

### (Part V.-Chapter XVII.-Water-supply.-Sections 215-217.)

of the Municipal Fund, or otherwise, and all bridges, buildings, engines, works, materials connected there with or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in the Corporation.

General duties of the Corporation in respect of the supply of water.

Corporation to provide apply of filtered and unnitered water

- (I) The Corporation shall provide—
  - (a) a supply of filtered water in all parts of Calcutta, and
  - (b) a supply of unfiltered water-
    - (i) in those parts of Calcutta in which such water is provided at the commencement of this Act. and
    - (ii) in such other parts of Calcutta as they may think fit.
- (2) Notwithstanding anything contained in subsection (1), the Corporation may discontinue the supply of unfiltered water in any part of Calcutta:

Provided that where the supply of unfiltered

water is so discontinued-

said.

- (a) filtered water may be used for non-domestic purposes and for the purposes mentioned in section 221, and
- (b) a sufficient quantity of filtered water shall, subject to the provisions of section 223, be supplied for all such purposes, in lieu of the unfiltered water discontinued as afore-

Bathing plat-forms and public stand-posts

216. (1) The Corporation shall erect sufficient and convenient bathing platforms and public stand-posts for the supply, free of charge, of filtered water for bathing and other domestic purposes.

(2) All such bathing platforms and stand-posts shall be supplied with a sufficient quantity of filtered

water.

217. On all distribution pipes in the unfiltered Hadrants, etc. for street-waterwater system and, if the Corporation so direct, also in the filtered water system, suitable hydrants shall ing, e.c. be provided for street-watering, fire-extinguishing, washing down hackney-carriage stands, and finshing street-gulfies, together with such sluices, branches and appliances as may be necessary for the efficient flushing of the municipal drains.

or 1923.]

#### (Part V.-Chapter XVII.- Water-supply,-Sections 218-221)

218. The pressure of the supply of filtered water in the municipal mains in Calentta shall continuously be not less than forty feet;

Pressure o f supply.

and the pressure of the supply of unfiltered water shall likewise be not less than forty feet, except during those hours when the pressure is locally reduced by street-watering, drain-flushing or extinguishing lire:

Provided that the Corporation, by a resolution in favour of which not less than two-thirds of the Couneillors and Aldermen present and voting have voted, may authorize a lower pressure in any case where, owing to causes over which the Corporation have no control, or by reason of other circumstances, it is impracticable to scenre a pressure of forty feet.

219. It shall be the duty of the Corporation to Testing of test the purity of the supply of filtered water once water

every week.

#### Use of water.

220. (1) Subject to the provisions of sections 215, sub-section (2), and 230 filtered water shall be supplied for domestic purposes only.

Use of filtered

(2) No person shall, without the written permission of the Corporation, use for other than domestic purposes filtered water supplied under this chapter for domestic purposes:

Provided that, in case of emergency, filtered water

may be used for extinguishing fire.

221. (1) Unfiltered water shall be used for public parposes, such as-

Ure of filtered water.

(a) street-watering,

(b) flushing of municipal drains, public privies and urinals, gully pits and backney-carriage stands, and

(c) extinguishing fire:

and shall also be used for such other purposes as the Corporation may direct

(2) Unfiltered water may also be used, free of eharge,-

- (i) for flushing privies and urinals on premises connected with the and
- (ii) for finshing drains on private premises and for cleansing stables, cattle-sheds and cowhouses occupied by animals which are not kept for profit or hire.

(Part V.—Chapter XVII.—Water-supply.—Sections 222—225.)

(3) Unfiltered water shall not be used for domestic purposes.

Supply of filtered water for purposes other than domestic purposes.

222. A supply of filtered water for purposes other than domestic purposes shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may think fit.

## Private supply of water to premises.

Right of occupier of connected premises to receive water in consideration of payment of the consolidated rate.

223. The occupier of any premises connected with the municipal water-supply shall be entitled to have, free of further charge, not more than fifteen hundred gallons of filtered water for every rupee paid to the Corporation as the consolidated rate on account of such premises, together with a sufficient supply of unfiltered water for flushing privies, urinals and drains within the premises and for cleansing stables, cattle-sheds and cow-houses within the premises which are occupied by animals not kept for profit or hire:

#### Provided that-

- (a) in no masonry bailding directly connected with the municipal water-supply shall the free allowance of filtered water be less than twenty-five, or more than fifty gallons per head per day, calculated upon the ordinary number of inmates of the building, as determined by the Corporation; and
- (b) if, under the provisions of this chapter, the Corporation at any time permanently discontinue the unfiltered water-supply, the Corporation may fix such larger free allowance of filtered water per day, in heu of the supply of unfiltered water, as they may think fit.

Power to Corporation to allow occupier of premises to lay down servicepipes.

224. Subject to such conditions as they may from time to time impose, the Corporation may allow any person occupying any premises to lay down service-pipes from the mains of the Corporation for the purpose of bringing into the premises a supply of filtered and unfiltered water for use therein under the provisions of this chapter.

Requisition by occupier of masonry building or owner to provide works for sapply of water.

225. (I) Any occupier of a masonry building who holds the same direct from the owner may, by written notice signed by him, require the owner to provide all such necessary works as may be required

of 1923.)

#### (Parl V.-Chapter XVII.-Water-supply.-Sections 226-228.)

for bringing into the premises within which such building is situate a sufficient supply of flitered water for domestic purposes and a sufficient supply of unfiltered water for the purposes specified in section 221, sub-section (2).

- (2) Every such notice shall contain an undertaking on the part of the occupier—
  - (a) to pay, during the residue of his term of occupation, interest at the rate of one per cent, per mensem, calculated from the date of the completion of the works, on the cost of all works so provided by such owner, and.
  - (b) if the premises do not abut upon some street in which there is a supply-main, to pay the cost of connecting the premises with the ncarest supply-main.

226. If any owner upon whom a notice has been served under section 225 does not, within one month completion from such service, cause all necessary works, as per in default of required by the said notice, to be provided or com- owner, and deducpleted, the accupier who gave the notice may cause from rent the works to be provided or completed,

and may deduct from the rent payable by him to such owner the expenses incurred by him in respect of such works, except so much of such expenses as may have been lucured under the circumstances mentioned in clause (b) of sub-section (2) of section 225.

227. (1) If there is any difference between the owner and the occupier of any premises respecting the between owner the cost or the sufficiency of the water-supply thereof, and occupier. either party may refer such difference to the Corporation, and the written award of the Corporation shall be binding on such owner and occupier.

(2) There shall be payable to the Corporation, by the person making a reference under sub-section (1), a fee at the rate of two rupees for every one hundred rupees of the monthly tent of the said premises :

Provided that such fee shall in no case exceed ten

rupecs. 228. Whenever it appears to the Corporation Power to Corpothat any premises are without a sufficient supply ration to direct of water, and that such a supply of water can be sufficient supply furnished from a main not more than one hundred feet nearest man. distant from the nearest part of such premises, the Corporation may, by written notice, require the owner to obtain such supply and for that purpose to lay

Provision

Arbitration in

(Part V .- Chapter X VII. - Water-supply. - Sections 229, 230.1

down such pipes. hydrants, stand-posts and other fittings and execute all such other works as the Corporation may direct :

Provided that.

(a) in any case in which the owner satisfies the Corporation that he is too poor to bear the cost of the said works, the Corporation may pay the whole or any part of such cost from the Municipal Fund; and

(b) if any premises in respect of which any notice is issued under this section are occupied by · a person other than the owner, the occupier shall be bound, if the Corporation so direct, to make to the owner, in respect of all works executed in pursuance of such notice, the payments prescribed by clause (a), or clauses (a) and (b), as the case may be, of sub-section (2) of section 225.

Water supply not to be directly

229. Notwithstanding anything contained in this connected to huts, chapter, the municipal water-supply shall not be directly connected to any but, but a sufficient supply of unfiltered water shall be provided for the finshing of any connected-privy attached to a hut:

Provided that the Corporation may supply a direct filtered water connection to a hut on such conditions as they may impose and subject to such rules as may be made by them in this behalf.

Power to Corporation to sell domestic purposes.

230. (1) The Corporation may, in their discretion water for other and subject to such conditions as they may from time to time impose, supply filtered or unfiltered water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed:

> Provided that where, in the opinion of the Corporation, the supply of unfiltered water might possibly lead to contamination, only filtered water shall be supplied-

- (a) for use by persons who manufacture articles for consumption by human beings, or
- (b) for cow-houses where cows are kept for the purpose of supplying milk for sale.
- (2) For all water supplied under sub-section (1), payment shall be made at such rate as may be prescribed by the Corporation.

determine.

#### (Part V:-Chapter XVII.-Water-supply.-Sections 231-2343

(3) When any application under sub-section (1) is received, the Corporation may, subject to such charges or rates as may have been fixed by them, place, or allow to be placed, the necessary servicepipes, taps and works (including water-meters) of such dimensions and character as may be prescribed by them, and may arrange for the supply of water through such pipes, taps, works and meters.

#### Supply of water to ships.

231. (1) Filtered water from public stand-posts bupply of filtered water to may be used, free of charge, for domestic purposes on ships, ships for the time being lying in the Port of Calcutta.

(2) The Corporation shall, on demand, supply every ship leaving the Port of Calcutta with a reasonable supply of filtered water for use on the voyage, at such price, not exceeding five supees for every thousand gallons, as the Corporation may

Private connections of premises to the water-supply and maintenance thereof.

232. All private connections of premises to the municipal mains for the supply of water therein, and private connec all pipes, taps and other fittings used for such supply, shall be made, maintained and regulated in accordance with, and subject to, the rules contained in Schedulc XIV.

233. Except in the case of a special agreement to the contrary, the owner of any premises shall bear the expense of keeping all works connected with the supply of water thereto in substantial repair; and, if he fails to do so, the occupier may, after giving tho owner three days' notice in writing, himself have the repairs executed and deduct the expenses thereof from any rent which is due from him to the owner in

Provided that nothing in this scetion shall affect the liabilities of parties under leases executed or made before the first day of April, 1889.

respect of such premises:

234. The Corporation may, if they think fit, Power to Cortake charge of all communication-pipes and fittings of charge of char any existing private service connected with the connection municipal water-supply up to and including the stopcock nearest the supply-main for the said service, and such communication-pipes and fittings shall thereafter vest in, and be maintained at the expense of, the Corporation as part of the municipal water-works.

flules as to

Owner to keep works in repairs.

charge of private

(Part V.—Chapter XVII.—Water-supply.—Section 235.)

Regulation of consumption of water, and provision of meters,

Power of Corporation to establish block meters for the supply of filtered water

- t corbotal data of the corporation of the corporati
  - (2) Such meters shall be read at such intervals as may from time to time be fixed by the Corporation, and the quantity indicated by any such meter as supplied shall be presumed to be correct until the contrary is proved.
  - (3) The Corporation shall from time to time determine the supply of filtered water to which any block shall be entitled, having regard to the provisions of section 23s and to the amount of the consolidated rate payable for such block, and making the allowance for water used at street stand-posts and public bathing platforms, and for loss through leakage or otherwise, as they may deem just and fair.
  - (4) If the Corporation are satisfied that in any block the quantity of filtered water consumed is in excess of the quantity to the supply of which such block is entitled, they shall cause a warning notice to be served on the occupiers of all premises in the block. If, after the service of such notice, such excess consumption still continues, the excess quantity shall be charged for from the quarter following that in which the notice was served and shall be recoverable from the occupiers of all such premises in such block as are connected with the filtered water-supply, and the occupier of each such premises shall be liable to pay a share of the cost of such excess calculated on the proportion of the amount of the consolidated rate payable in respect of the said premises to the total amount of the consolidated rate payable by persons who are liable to pay the cost of the excess:

Provided that any occupier of any such premises who has provided a separate meter attached to the service-pipe thereof, shall not be liable to pay any proportionate share as aforesaid, but shall pay for any excess, which such meter shows to have been supplied

(Part V.-Chapter XVII.-Water-supply.-Sections 236-238.)

to him in accordance with the provisions of section 238 :

Provided also that, on a representation from any ten persons within the block who are held liable for the east of such excess, the Corporation shall forthwith take into consideration the question of affixing a meter under the provisions of section 237 to the service-pipe attached to any premises within the block, the occupier of which premises is alleged or is suspected by such persons to be wasting filtered water.

236. (1) Whenever the Corporation have reason "retention of filtered to believe that, as the result of defects in pipes, taps water in premises or fittings connected with the water-supply, filtered water-supply to any premises is being wasted, they may, by written notice, require the owner and occupier of the premises, within a period of four days after service of the notice, to repair and make good any defects in the pipes, taps or fittings connected with the water-supply, so as to put a stop to such

(2) If, after the expiration of the said period of four days, the Corporation have reason to believe that waste still continues, they may cut off the supply

of filtered water to the said premises.

237. (1) The Corporation may, in their discretion, provide a water-meter and attach the same to poration to prothe service-pipe of any premises connected with the meters municipal filtered water-supply.

(2) The expense of providing and attaching a meter under sub-section (1) shall be paid out of the Municipal Fund.

238. (1) When a meter has been attached to any premises, all filtered water which is shown thereby to occupier filtered have been supplied in excess of the free allowance to supplied which the occupier is entitled under section 223 shall excess of statube paid for by him at the rate of one rupee for every tbree thousand gallons,

(2) The Corporation may eause the meter to be read at any time during each quarter, but as nearly as

practicable at intervals of three months:

Provided that if, during any quarter, the assessment of such premises is altered, the said free allowance shall be calculated on the consolidated rate payable on the assessment as altered.

(3) If such premises are ordinarily occupied by two or more persons bolding in severalty, the owner sball be liable for water supplied in execss as prescribed

Power to Corvide

Payment for water

(Part V.-Chapter XVII.-Water-supply.-Sections 239, 240,)

by sub-section (1); but such owner shall be entitled recover rateably from the several occupiers, according to the rent paid by each, any amount so paid.

- (4) Every incoming or outgoing occupier of any metered premises shall, at least three clear days before entering into the occupation of or vacating such premises, as the case may be, cause a written notice to be served upon the Corporation, stating the date on which he intends to occupy or vacate the premises and requiring the Executive Officer to cause the meter to be read for the determination of the liability, if any, for any excess consumption of filtered water on the date of such occupation or the date of such vacation of the premises, as the case may be.
- (5) Upon receipt of such notice the Executive Officer shall cause the meter to be read and furnish such occupier with a statement of such meier reading.
- (6) The outgoing occupier shall ordinarily be liable to pay for any excess supplied up to the date of his vacating the premises:

and the incoming occupier's liability for any excess consumption of filtered water shall ordinarily accrue from the commencement of his occupation:

Provided that where no written notice is delivered to the Corporation under sub-section (4), the Corporation shall be entitled to realise from such incoming occupier the full proportionate amount of the charges for excess water consumed, on the basis of the next quarterly or other reading of the meter made after the occupation of the incoming occupier, or such less amount as the Corporation may think fit, regard being had to the number of days in any quarter during which the premises were occupied by such incoming occupier, the number of inmates during that period and the amount of free allowance to which such occupier may be cutitled under section 223.

Presumission As to correctness of meter.

Whenever water is supplied under this chapter through a meter, it shall be presumed that the quantity indicated by the meter has been con-

sinned until the contrary is proved.

240. The use, maintenance and testing of meters Rules as to provided under this chapter, and the calculation of the amount payable under section 238 in case of the incorrectness of any such meter, shall be in accordance with, and subject to, the rules contained in Schedule XIV.

meters

#### (Part V.—Chapter X VII.—Water-supply.—Sections 241, 242.)

241. (1) If it be shown that an offence against any provision of this chapter, or against any rule or by-law made under this Act relating to watersupply, has occurred in any premises connected to water-supply. with the municipal water-supply, it shall, subject to the provisions of sub-section (2), be presumed, unless and until the contrary is proved, that such offence has been committed by the occupier of the said premises.

Occupier premises primarily offences relating

- (2) The existence of artificial means for—
  - (a) altering the index to any meter provided under this chapter for measuring filtered water, or
  - (b) preventing any such meter from duly registering the quantity of water supplied, or
  - (c) abstracting or using water before it has heen registered by such meter.

shall, where the meter is under the custody or control of the consumer of such water, be prima facie evidence that the consumer has fraudulently caused such alteration, prevention, abstraction or use,

#### Supply of water for use beyond Catcutta.

242. (1) The Corporation may at any time, on receiving an application from the municipality or lifered water to cantonment concerned, direct that such quantity of slices and filtered water per diem as may be determined by the Corporation shall be delivered into reservoirs or pines placed in-

(a) any of the following nunicipalities or cantonments, namely :-

#### Municipalities:

Baranagar, Khardab, Garulia. South Dum-Dam. Kamarbati, South Suburban. North Barrackpur, Titaghar. North Dum-Dain, Tollygani: Panibati,

#### Cantonments:

Barrackpur.

Dum-Dam or

## (Part V.-Chapter XVII.-Water-supply.-Sections 243-245.)

(b) any municipality which is hereafter formed by subdividing any municipality mentioned in clause (a), or by uniting into one municipality any of the municipalities mentioned in that clause:

and that for all water so delivered payment shall be made at such rate, not being less than the cost (including loan charges, allowance for depreciation of plant and other charges) to the Corporation, as may from time to time be determined by the Corporation.

(2) An appeal shall lie to the Local Government from any refusal by the Corporation to give a direction under sub-section (1), or from any direction given

by the Corporation under that sub-section.

(3) Before deciding any such appeal, the Local Government shall consider any representation made by the Corporation with reference thereto.

(4) No order made on any such appeal shall direct the delivery of water at a lower rate of payment than

the cost to the Corporation. (5) Every order made by the Local Government on any such appeal shall be final.

243. (1) The Corporation may, in their discretion, allow any person not residing in Calcutta to take or be supplied with water on such terms as they may from time to time prescribe.

(2) No person shall, without the written permission of the Corporation, take or cause to be taken for use without Calcutta water supplied under this

chapter:

Provided that this sub-section shall not apply to water taken by travellers for use on a journey.

### Supplemental provisions.

General powers of the Corporation in regard to water-mains.

Supply of water

to persons residing out of Calcutta or

for use without Calentta.

> The Corporation shall have the same powers and be subject to the same restrictions for carrying water-mains in or without Calcutta as they have and are subject to for carrying drains in or without Calcutta.

Power to Corporation to cut off miare.

(I) Notwithstanding anything contained in 245. this chapter, the Corporation may cut off the connecor turn of supply this enapter, the corporation of water to pre- tion between any water-works of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, muncly :--

(a) if the premises are unoccupied;

## (Part V.—Chapter XVII.—Water-supply,—Section 245.)

- (b) if, after receipt of a written notice from the Corporation requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used, in contravention of this Act or of any rule or by-law made thereunder:
- (c) if the occupier of the premises contravenes section 220, sub-section (2), or section 243, sub-section (2);
- (d) if the occupier refuses to admit any municipal officer or servant duly authorized in that behalf into the premises for the purpose of making any inspection under this chapter or under any rule or by-law relating to water-supply made under this Act, or prevents such municipal officer or servant from making such inspection;
- (e) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the Corporation;
- (f) if any pipes, taps, works or fittings connected with the supply of water to the premises be found, on examination by the Corporation, to be out of repair to such an extent as to cause so serions a waste of water that, in the opinion of the Executive Officer, immediate prevention is necessary;
- (g) if the use of the premises for human habitation has been prohibited under section 381. from the date from which the premises are to be vacated under the order of the Magistrate:
- (h) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or
- (i) if by reason of a leak in the service pipe or fitting, damage is caused to the public

[Ben. Act III

(Part V.-Chapter-XVII.- Water-supply.-Sections 246, 247.)

street and immediate prevention is necessary:

Provided as follows :-

- (i) water supplied for flushing privies or arinals shall not be cut off or turned off:
- (ii) water shall not be cut off or turned off in any case referred to in clause (g), unless written notice of not less than fortyeight hours has been given to the occupier of the premises.
- (2) The expense of cutting off the connection or of turning off the water and of restoring the same, as determined by the Corporation in any case referred to in sub-section (1), shall be paid, in the case of a bustee, by the owner of the premises, and in any other case by the owner or occupier of the premises:

Provided that no charge for such expense shall be made in the cases mentioned in charse (a) and clause (g) of the said sub-section.

(3) No action taken under or in pursuance of this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Filling up wells upen water supplied,

246. Whenever a supply of filtered and unfiltered water has been provided in any street, the Corporation may, by written notice, require the owner of any well situated in premises which are supplied from the mains to fill it up with snitable materials.

247. (1) When a plan for laying pipes or constructing aqueducts for bringing water into Calcutta from any place without Calcutta has been approved by the Local Government, the Corporation may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta through which such pipes or aqueducts are to run, all the powers which they might exercise under this Act or under any rule or by-law made thereunder if the said pipes or aqueducts were to run in Calcutta.

(2) The Magistrate of any district without Calcutta through which the said pipes or aqueducts are to run may exercise, in respect of such work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by

the Corporation in Calcutta.

Laying of papes or construction of aqueducts beyond Calcutta for bringing water mto Calcutta.

(Part V.-Chapter XVIII.-Drains, privies and other recentacles for filth.—Sections 284-251.)

#### CHAPTER XVIII.

DRAINS, PRIVIES AND OTHER RECEPTACLES FOR FILTH.

Proprietary rights of the Corporation in respect of

248. (I) All public drains, and all drains in, alongside or under any public street, whether made and drains in, at the charge of the Municipal Fund or otherwise, public streets, to and all works, materials and things appertaining tion thereto shall vest in the Corporation.

vest in Corpora-

Drains,

(2). For the purposes of enlarging, deepening or otherwise repairii ı drain e drain so much of the also be as may be necessa

deemed to vest in the Corporation.

All drains and ventilation-shafts, pipes and fittings connected with constructed, etc. appliances and drainago works constructed, erected or set up at the Municipal belonging to the Corporation, whether-

Fund charge of the Municipal Fund in or upon premises not on private premises to vest in Corporation. (a) before or after the commencement of this Act,

and

(b) for the use of the owner or occupier of such premises or not.

shall, unless the Corporation has otherwise determined, or do at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

Duties of the Corporation in respect of maintenance and construction of drains.

250. The Corporation shall keep all municipal 250. The Corporation shall keep all municipal Repaired producins in repair, and shall cause to be made such time of unnicipal drains as may be necessary for effectually draining Corporation. Calcutta.

251. (1) The Corporation shall provide a safe and sufficient outfall, in or without Calcutta, for the proper outfall for disdischarge of the storm-water and sewage of Calcutta in charge of storm such manner as not to cause any nuisance, whether sewage, by flooding any part of Calcutta or of the country surrounding the outfall or in any other way.

(2) The plans of such outfall and the method of disposing of sewago shall be subject to the sanction

and

sufficient outfall.

[Ben, Act III

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Section 252.)

of the Local Government, who may from time to time direct such alterations to be made as they may consider necessary.

(3) If the outfall deteriorates, by the decay of existing river channels or otherwise, the Local Government may require such order to be taken, and such additions or alterations to be made to or in the outful works at the charge of the Municipal Fund, as they may consider necessary to ensure a safe and

Municipal drains.

Power to Corporation to improve, discontinue, etc, municipal drains, etc

# 252. (1) The Corporation may-

- (a) enlarge, arch over, or otherwise improve any municipal drain, or
- (b) discontinue, close up or destroy any municipal drain which has, in their opinion, become useless or unnecessary, or
- (c) carry any municipal drain-
  - (i) through, across or under any street or any place laid out as, or intended for, a street, and
  - (ii) (after giving reasonable notice in writing to the owner and occupier) into, through or under any land whatsoever or under any building

in Calcutta or, for the purpose of outfall or distribution of sewage, without Calcutta, or

- (d) construct any new municipal drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or
- (e) repair or alter any municipal drain so constructed:

#### Provided that-

(i) if, in the exercise of any of the powers conferred by this section, it is proposed to demolish any house-drain, a written notice shall be served upon the owner of such drain; and

67 1923.]

(Part V.-Chapter XVIII.-Drains, privies and other receptacles for filth.-Sections 253-255.)

- '(ii) if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Corporation shall, as soon as practicable, provide for bis use some other drain as effectual as the one which has been discontinued. closed up or destroyed.
- (2) In the exercise of any power conferred by this section, the Corporation shall ereate the least practicable unisance and do as little damage as may be, and shall pay compensation to my person who sustains damage by the exercise of such power.

253. (1) Without the written permission of the Corporation-

(a) no private street shall be constructed. without permisand

(b) no wall or other structure shall be newly erceted

over any municipal drain.

(2) If any private street be so constructed, or if any wall or other structure be so erected. without such permission, the Corporation remove or otherwise deal with the same as they may think fit.

and the expenses incurred by the Corporation in so doing shall, in the discretion of the Corporation, be paid by the owner of such private street, walt or other structure, or by the person offending.

254. (1) Any local anthority without Calcutta may cause any drain number its control to communicate control of local with any municipal drain, on such terms and could sathons to so tions as may be agreed on between such local author-makingalaria

ity and the Corporation.

(2) If in any case terms and conditions cannot be agreed upon under sub-section (1), such local authority shall refer the matter to the Local Government.

whose decision shall be final.

drains to communicate with, or empty themselves into, drains to communicate with, or empty themselves into, drain, lake, stream, canal or water and drains with 255. (1) When a plan for making municipal any public drain, lake, stream, canal or water-course drain, lake, etc without Calcutta has been approved by the Local beautiful. Government, the Corporation may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta, through which the said drains are to run, all the powers which they might exercise under this Act if the said drains were to run entirely in Calcutta.

Private streets etc., not to be, constructed over municipal drain

Communication

[Ben, Act III

(Part V.-Chapter XVIII.-Drains, privies and other receptacles for filth.-Section 252.)

of the Local Government, who may from time to time direct such afterations to be made as they may consider necessary.

(3) If the outfall deteriorates, by the decay of existing river channels or otherwise, the Local Government may require such order to be taken, and such additions or afterations to be made to or in the outfall works at, the charge of the Municipal Fand, as they may consider necessary to ensure a safe and sufficient outfall.

# Municipal drains.

Power to Corporation to improve, discontinue, etc., municipal drains, etc

# 252. (1) The Corporation may-

- (a) enlarge, arch over, or otherwise improve any municipal drain, or
- (h) discontinue, close up or destroy any municipal drain which has, in their opinion, become useless or unnecessary, or
- (c) carry any municipal drain-
  - (i) through, across or under any street or any place laid out as, or intended for, a street, and
  - (ii) (after giving reasonable notice in writing to the owner and occupier) into, through or under any land whatsoever or under any building

in Calcutta or, for the purpose of outfall or distribution of sewage, without Calcutta, or

- (d) construct any new municipal drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or
- (e) repair or alter any municipal drain so constructed:

#### Provided that-

(i) if, in the exercise of any of the powers conferred by this section, it is proposed to demolish any house-drain, a written notice shall be served upon the owner of such drain; and

Part V.-Chapter XVIII.-Drains, privies and other receptacles for fitth.-Sections 253-255.)

- (ii) If, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Corporation shall, as soon as practicable, provide for bis use same other drain as effectual as the one which has been discontinued, closed up or destroyed.
- (2) In the exercise of any power conferred by this section, the Corporation shall ereate the least practicable nursance and do as little damage as may be, and shall pay compensation to any person who sustains damage by the exercise of such power.

253. (1) Without the written permission of the

Corporation-

private street shall be constructed, without permits (a) no

Private etreets etc., not to be. constructed over municipal drain

(b) no wall or other structure shall be newly erected

over any municipal drain.

(2) If any private street be so constructed, or if any wall or other structure be so erected, without such permission, the Corporation may remove or otherwise deal with the same as they may think flt.

and the expenses incurred by the Corporation in so doing shall, in the discretion of the Corporation, be paid by the owner of such private street, wall or

other structure, or by the person offending,

254. (1) Any local authority without Calcutta may cause any drain under its control to communicate of drain under with any numbeipal drain, on such terms and condi-authority teyoul tions as may be agreed on between such local authority and the Corporation.

Communication

(2) If in any case terms and conditions cannot be agreed upon under sub-section (1), such local unthority shall refer the matter to the Local Government, whose decision shall be final.

255. (1) When a plan for making municipal drains to communicate with, or empty themselves into, of drains any public drain, lake, stream, canal or water-course drains, lakes, etc. without Calentta has been approved by the Local beyond Calentta Government, the Corporation may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta, through which the said drains are to run, all the powers which they might exercise under this Act if the said drains were to run entirely in Calentta.

[Ben. Act tit

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.-Sections 256-258.)

(2) The Magistrate of any district without Calcutta. through which the said drains are to run, may exercise, in respect of the said work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by the Corporation entirely in Calcutta.

# Drainage of premises.

Right of owner or occupier of premises to empty Into drain

- 256. The owner or occupier of any premises shall be entitled to cause his house-drain to empty into house-diam a municipal drain, provided that, before doing so, he-
  - (a) obtains the written permission of the Corporation in accordance with the provisions of Schedule XV, and
  - (b) complies with such conditions as the Corporation may prescribe as to the mode in which. and the superintendence under which, communications between drains and municipal drains are to be made.

Connections with municipal drain, not to be made except in conformity section 256 with

- 257. (1) No person shall, without complying with the provisions of section 256, make, or cause to bo made, any connection of a house-drain with a municipal drain.
- (2) The Corporation may close, demolish, alter or re-make any such connection made in contravention of sub-section (1);

and the expenses incurred in so doing shall, in the discretion of the Corporation, be paid by the owner or occupier of the premises for the benefit of which such connection was made, or by the person offending.

Compulsory connection. house-drains with each other.

- 258. When a house-drain belonging to one or of more persons has been laid in any private street which is common to more than one premises, and the Corporation consider it desirable that any other premises should be drained into such drain,
  - they may, by written notico, require the owner of such premises to connect his house-drain with such first-mentioned drain;
  - and the owners of such first-mentioned drain shall therenpon be bound to permit such connection to be made:

Provided that no such connection shall be made-

- (a) except upon such terms as may be prescribed by the Corporation, and
- (b) until any payment which may be directed by the Corporation has been duly made.

(Part V.-Chapter XVIII.-Drains, privies and other receptacles for filth.—Sections 259, 260.)

259. (1) If it appears to the Corporation that Power to Corany group or block of premises may be drained more group or block of economically or advantageously in combination than premises by a combined operaseparately.

and a municipal sewer of sufficient size already exists or is about to be constructed, within one hundred feet of any part of such group or block of premises,

the Corporation may cause such group or block of premises to be drained by a combined operation.

- (2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Corporation may think fit.
- (3) Not less than fifteen days before any such work is commenced, the Corporation shall give to each súch owner—
  - (a) written notice of the nature of the proposed work, and
  - (b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.
- 260. When any premises aro, in the opinion of Power to Corthe Corporation, without sufficient means of effectore drainage of tual drainage, and a municipal drain or some place undrained approved by them for the discharge of drainings is with one him simulated at a distance not exceeding one hundred dred feet of a draining simulation. feet from any part of the said premises, they may, by written notice, require the owner of the said premises-

municipal drain.

- (a) to make a house-drain emptying into such municipal drain or place;
- (b) to provide and set up all such appliances and fittings as may appear to the Corporation necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such housedrain and every fixture connected therewith: or
- (c) to remove any existing house-drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Ben. Act III

(Part V.—Chapter XVIII.—Drains, privies and other receptucles for filth.—Sections 261, 262.)

Power to Corporation to enforce drainage of undrained premises in other cases.

261. When in any case not provided for in section 260 any premises are, in the opinion of the Corporation, without sufficient means of effectual drainage, they may, by written notice, require the owner of such premises to make a house-drain communicating with the nearest municipal drain:

#### Provided as follows-

- (a) the cost of constructing that portion of the house-drain so made, which is situate more than one hundred feet from the said premises, shall be paid out of the Municipal Fund; and
- (b) if, in the opinion of the Corporation, there is no municipal drain within a reasonable distance of such premises, they may, by written notice, require the owner of the premises to construct—
  - (i) a closed cesspool of such material. size and description, and in such position, as they may prescribe, and
  - (ii) a house-drain communicating with such closed cosspool.

Power to Corporation to close or limit the use of house-drain in certain cuses.

- 262. When a honse-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise nnobjectionable, but is not, in the opinion of the Corporation, adapted to the general drainage system of Calcutta, they may, by written notice addressed to the owner of the premises, direct—
  - (a) that such house-drain be closed, discontinuel or destroyed and that any work necessary for that purpose be done; or
  - (b) that such house-drain shall, from such date as they prescribe in this behalf, be used for sewage, offensive matter and polluted water only or for min-water and unpolluted subsoil water only:

#### Provided as follows-

(i) no house-drain may be closed, discontinued or destroyed by the Corporation under clause (a) except on condition of their providing another housedrain equally effectual for the drainage of the premises and communicating with any numicipal drain which they think fit; and

(Part V .- Chapter XVIII .- Drains, privies and other receptucles for filth.—Sections 263—265.)

- (ii) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (a) may be paid out of the Municipal Fund.
- 263. (1) Whenever it is provided in this chapter that steps shall or may be taken for the effectual require drainage of any premises, the Corporation may, by sewage and rains be written notice, require the owner to construct-

Power to Corthat nestinct in any premises

(a) one house-drain for sewage, offensive matter and polluted water, and

(b) another and entirely separate house drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil

each omptying into separate municipal drains or other suitable places.

(2) Any requisition made by the Corporation under sub-section (1) may comprise any detail specified in clause (b) of section 260.

264. For the purpose of efficiently draining any land or building, the Corporation may, hy written peration require notice, require the owner of any court-yard, alley, maintaining and passage or open space-

Power to Corpaving, court-yard, etc

- (a) to pave the same with such material and in such manner as may be approved of by the Corporation, and to keep such paying in proper repair, or
- (b) to raise the level of such court-yard, alley, passage or open space.

265. (1) The Corporation may prescribe such drains for the drainage of huts as the circumstances of the locality and the position of the nearest municipal drain may render practicable.

Drains for hots.

(2) If the Corporation consider that a new drain should be constructed for the benefit of the occupants of any hut, they may, hy written notice, require the owner of the land on which such hut stands to construct such drain:

and such owner shall construct such drain, and shall maintain and from time to time cleanse and repair it, to the satisfaction of the Corporation.

(3) The powers conferred by this section shall be deemed to be in addition to, and not in derogation of, the powers conferred by section 260 and section 261.

Ben. Act III

(Part V.-Chapter XVIII.-Drains, privies and other receptacles for filth.—Sections 266-270.)

Rules 2.0 to drains

- 266. Drains shall be constructed, maintained, repaired, altered and regulated in accordance with-
  - (a) the rules contained in Schedule XV and the by-laws made under this Act relating to drains, and
  - (b) requisitions made under such rules and by-laws.

Privies, urinals and bathing and washing places.

Power to Corporation to provide and maintain public privies and urinale

# 267. The Corporation shall-

- (a) provide and maintain, in proper and convenient situations, privies and urinals for the use of the public, and
- (b) cause all privies and armals so provided to be constructed and kept so as not to be a nuisance or injurious to health.

Power to Corporation nublic liceuse privice and urmal

#### 268. (1) The Corporation may-

- (a) grant licenses, for any period not exceeding one year, for the provision and maintenance of privies and urinals for the use of the public, and
- (b) at any time, if they think fit, cancel any license so granted after giving one month's notice to the licensec.
- (2) No person shall—
  - (i) keep a privy or urinal for the use of the public without obtaining a license therefor under sub-section (1), or

(ii) keep such privy or urinal after license has been cancelled, or

(in) suffer a licensed public privy or urinal of which he is the licensee to be in a filthy or noxious state.

Privy and ories! accommodation to be provided new buildings

In every new building intended for human habitation, such privy and urinal accommodation as the Corporation may prescribe, shall be provided on such site and in such position as they may direct.

270. (1) In every new building, at or in which Pries, orbal not less than twenty labourers or workmen are or are modation for prelikely to be employed, such privy and minal accomtalses for twenty modation, and accommodation for bathing or for the or merkmen. washing of clothes and domestic utensils, shall be

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.-Section 271.)

provided as the Corporation may prescribe. In prescribing any such accommodation the Corporation may determine in each case-

- (a) whether such building shall be provided with service or connected privies or urinals, or partly with one and partly with the other; and
- (b) what the site or position of each privy, urinal or hathing or washing place shall be, and their number.
- (2) When any premises at or in which not less than twenty labourers or workmen are employed, are without privy, urinal, hathing or washing place accommodation to the satisfaction of the Corporation. they may, by written notice, require the owner of such premises to provide such privy, urinal or bathing or washing place accommodation as they may preseribe.
- 271. When any premises intended for human Provision for habitation are without privy or urinal accommodation in accommodation in or if the Corporation are of opinion that the existing premises where accommodation therefor available for the persons output of the persons occupying the premises is insufficient, inefficient or unsufficient. for sanitary reasons objectionable, the Corporation may, by written notice, require the owner of such premises--

- (a) to provide such or such additional privy or urinal accommodation as they may preseribe: or
- (b) to make such structural or other alterations in the existing privy or urinal accommodation as they may prescribe; or
- (c) to substitute connected privy or connected urinal accommodation for any service privy or service urinal accommodation :

Provided that where the privy or urinal accommodation of any premises bas been and is being used in common by the persons occupying such premises or any other premises or is in the opinion of the Corporation likely to be so used, the Corporation may, if they are of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying all the said premises,

Ben. Act III

(Part V .- Chapter XVIII .- Drains, privies and other receptacles for filth .- Sections 272-274.).

direct that separate privy or urinal accommodation need not be provided on or for such other premises:

Provided also that the Corporation may, if they are of opinion that there is sufficient public latrine accommodation available for the persons occupying the premises, direct that separate privy or urinal accommodation need not be provided for such premises.

Power to Corporation to require provision of privies and urinals for premises used as a market, etc

272. If it appears to the Corporation that any premises are, or are intended to be, used as a market. railway-station, dock, wharf or other place of public resort, or as a place for the employment of persons exceeding twenty in number, in any manufacture, trade or business, or as workmen or labourers, they may, by written notice, require the owner of such premises to provide such service or connected-privies and urinals for the separate use of persons of each sex as they may prescribe.

Rules for construction, etc., of and privies aringle

- 273. Privies and urinals, and all appurtenances thereof, shall be constructed, maintained, repaired, altered and regulated in accordance with-
  - (a) the rules contained in Schedule XV and any by-laws made under this Act relating to privies and urinals and the appurtenances thereof, and
  - (b) requisitions made under such rules and bylaws.

Cost of repair of privy payable Chies.

274. (1) If, within three years after any privy has been provided or altered with the sanction or on Fund in certain the requisition of any municipal authority empowered in that behalf, or of the Corporation under this Act, a requisition is made by the Corporation for or alteration of such privy, the the rebuilding expenses of such rebuilding or alteration shall be paid out of the Municipal Fund,

(2) When any notice has been issued under section 271 or Schedule XV in respect of any privy, urinal or group of privies or urinals and the Corporation are satisfied that the owner of the land or building on or in which any such privy or urinal is situated is from poverty unable to pay the whole or part of the expenses of carrying out the work required by the notice they may direct that such expenses, or such portion thereof, as they think fit, be paid out of the Municipal Fund.

(Part V.-Chapter XVIII.-Drains, privies and other receptacles for filth.—Sections 275—277.)

Inspection of drains, house-gullies, privies, urinals, and bathing and washing places.

275. All house-drains, ventilation-shafts and pines, cesspools, house-gullies, privies, urinals, and ctc, not belonging bathing and washing places which do not belong to tion to be subject the Corporation, or which have been constructed, examination, erected or set up at the charge of the Municipal Fund on memises not belonging to them, for the use or benefit of the owner or occupier of the said premises. shall be open to inspection and examination by them.

House-drams.

Power to Cor-

276. For the purpose of any inspection and examination under section 275, the Corporation ground, etc., for may eause the ground or any portion of any house-purpose of such drain or other work exterior to a bnilding, or any examination, and portion of a building which they may think fit, to be opened, broken up or removed:

Provided that in the prosecution of any such inspection and examination as little damage as possible shall be done.

277. (1) If, upon any inspection and examination under section 275. it is found that the honse-drain, amination by ventilation-sbuft or pipe, eespool, house-gally, privy, amination by urinal, or batbing or washing place examined is in proper order and condition, and that none of the provisions of this chapter or of Schedule XV, or of any by-law made under this Act have been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made therenpon, the ground or the portion of any building. house-drain or other work (if any) opened, broken up or removed, for the purpose of such inspection

and examination shall be filled in, re-instated and

Expenses

made good by the Corporation. (2) But if, upon any such inspection and examination, it is found that any house-drain, ventilationshaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place so examined is not in good order or condition, or has been repaired, changed, altered, eneroached upon or texcept when the same has been constructed by or under the order of a municipal authority duly empowered in that behalf. or of the Corporation under this Acta constructed in contravention of any of the provisions of this chapter, or of Schedule XV, or of any by-law made under this Act, or of any enactment at the time in force.

the expenses of the inspection and examination shall if the Corporation so direct, he paid by the

Ben. Act III

(Part V.-Chapter XVIII.-Drains, privies and other receptacles for filth .- Sections 278, 279.)

owner of the premises, and the said owner shall at his own cost fill in, re-instate and make good the ground, or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of such inspection and examination:

Provided that the amount recoverable as the expenses of such inspection and examination shall not

in any case exceed ten rapees.

Power to Corporation to require repairs, etc., to be

(1) When the result of any inspection and examination under this chapter is as described in section 277, sub-section (2), the Corporation may, by written notice, require the owner of the premises in which the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place referred to in the said sub-section is situate-

- (a) to close or remove the same or any encroachment thereupon: or
- eover, re-cover, trap, (b) to rencw. repair, ventilate, pave and pitch, flush, cleanse or take such other order with the same as the Corporation may think fit to direct, and to fill in, re-instate and make good the ground or the portion of any building. house-drain or other work opened, broken up or removed for the purpose of the said inspection and examination.
- (2) In any such case the Corporation may, forthwith and without notice, stop up or demolish any house-drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this chapter or of Schedule XV, or of any by-law made under this Act:

and may also, forthwith and without notice, clear, cleanse or open out any house-drain which is choked.

blocked or in any way obstructed;

and all expenses incurred by the Corporation in so doing shall, in their discretion, be paid by the owner or the occupier of the premises.

Position of cesspools and other fifth receptacles.

279. (1) No person shall construct a cesspool-

(a) beneath any part of any building, or within fifty feet of any tank, reservoir, water-course or well; or

Position. ereis colm

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(Part V.-Chapter XVIII.-Drains, privies and other recentacles for filth.—Sections 280—282.)

. (b) upon any site or in any position in Calcutta which has not been approved in writing by

the Cornoration; or

(c) upon any site or in any position without Calcutta, which has not been so approved and is situated within three hundred feet of any reservoir used for the storage of filtered water to be supplied to Calentia.

(2) The Corporation may at any time, by written notice, require any person within whose premises any cesspool is constructed in contravention of subsection (1), to remove such eesspool or to fill it up with such material as may be approved by them.

280. (1) No person shall construct any housedrain, service-privy, arinal or other receptacle for tack to be simulation, service privy, arinal or other receptacle for tack to be simulated within a service private for the same service. within fifty feet of any tank, well or water-course or water-course any reservoir for the storage of water, unless he first satisfies the Corporation that he will take such order therewith as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, well, water-course or reservoir.

(2) The Corporation may at any time, by written notice, require any person within whose premises there is situated, within fifty feet of any tank, well, water-course or reservoir for the storage of water, any recentuele mentioned or referred to in sub-section (1).

to remove such receptacle.

(3) This section shall also apply to any such recentacle, without Calcutta, which is constructed or situated within fifty feet of any reservoir used for the storage of filtered water to be supplied to Calcutta.

General powers and duties of the Corporation.

281. For the purpose of ventilating any drain or eesspool, whether vested in the Corporation or shafe or present not, they may erect upon any premises or affix to for ventilation of drain or cesspool, the outside of any building, or to any tree, any such shaft or pipe as may appear to them to be necessary.

282. When a notice has been issued under this chapter or Schedule XV, requiring any person to person to eate work when construct or alter a drain, the Corporation may themselves cause to be constructed or altered so much of etc., affected. the drain as inns through, over or under any municipal drain, public aqueduct or public street, and the expenses thereby incurred shall be paid by the ewner of the drain.

No filth recep-

Power to Cor-

Ren. Act III

XV of IX of

(Part V.-Chapter XVIII.-Drains, privies and other receptacles for filth.-Sections 283-285.)

Power to Corporation to provide new drains, etc., in executing works.

283. (1) In executing any drainage-works under this chapter, the Corporation shall provide and make, out of the Municipal Fund, a sufficient number of convenient ways, water-courses and drains in substitution for any that may be interrupted. injured or rendered useless by reason of the execution of such works:

and, if any difference arises between the Corporation and the persons affected, the same shall be settled by the Court of Small Causes having inrisdiction in the place where such works are executed, on application to be made to it for this purpose.

(2) The decision of the said Court of Small Causes shall, subject to the provisions of section 6 of the Presidency Small Cause Courts Act, 1882, or section 25 of the Provincial Small Cause Courts Act, 1887. as the

case may be, be final.

General power to Corporation in drains, ce-pools, privies urinale

284. Subject to the provisions of this chapter respect of house- and of Schedule XV.-

> (a) all house-drains, as well within as without the premises to which they belong, all cesspools and all privies and urinals shall, as regards their site, construction, materials and dimensions and the arrangements for flushing the same, be under the survey and control of the Corporation, and

(b) the Corporation may, by written notice. require the owner of any premises in which any house-drain, cesspool, privy or urinal is situated, to alter, pave, repair or ventilate the same or to keep it in such a state of repair as to admit of its being sufficiently cleaned, or to supply it with water, or cenneet it with a sewer, or stop up or demolish it.

occupier

place of owner

Fower to Corporation to require or of Schedule XV, the Corporation may require the owner of any premises to carry out any work, carry out work in they may, if they consider it desirable so to do, require the occupier of the said premises to carry out such work, and the occupier shall be bound to comply with the requisition:

Provided that, except in the case of a special agreement to the contrary, such occupier may deduct the amonot of the expenses reasonably incurred or paid by him in respect of such work from the rent payable to the owner, or may recover the same from

him in any court of competent jurisdiction.

1 General Acte, Vol III.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 286, 287.)

286. (1) When, under the provisions of this Power to Co-chapter or of Schedule XV, any person may be entire work after required or is liable to execute any work, the Corresponding to the control of the corresponding to poration may, if it appears to them to be expedient and necessary so to do, themselves cause such work to be executed, after giving such person an opportunity of executing the same within forty-eight hours of the receipt of a notice to this effect.

(2) The expenses of any work so executed shall be payable by the said person, unless the Corporation direct the payment of such expenses out of the Municipal Fund.

#### General prohibitions.

#### 287. No person shall,-

Prohibition of

- (a) in contravention of any of the provisions of this chapter or of Schedule XV, or of any notice issued or direction given thereunder. or without the written permission of the Corporation.
  - in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up. destroy or change,
  - any drain, ventilation-shaft or pipe, cesspool, privy, urinal, or bathing or washing place or any trap, covering or other fitting or appliance connected therewith; or,
  - (b) without the written permission of the Corporation, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cesspool, privy, armal, or bathing or washing place or any fitting or appliance, which has been, or has been ordered to be, discontinued. demolished or stopped up under any of the said provisions; or,
  - (c) without the written permission of the Corporation, make any encroachment upon, or in any way injure or cause or permit to be injured, any drain, cesspool, nonse-gully. privy, urinal, or bathing or washing place;
  - (d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth or ashes, or any substance or matter, by which or by reason of the amount of which such drain is likely to be obstructed : or

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[Ben, Act III

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Chapter XIX.—Licensed plumbers.—Sections 288—290.)

(e) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain was not provided; or

(f) cause or suffer to be discharged into any drain from any factory. bakehouse, distillery, workshop or workplace, or from any building or place in which steam, water or mechanical power is employed, any hot water, steam or fumes, or trade efflicents or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise. be likely to create a nuisance.

#### CHAPTER XIX.

#### LICENSED PLUMBERS.

Power to Corporation to license plumbers. 288. (1) The Corporation may from time to time grant to any person they think fit a license to act as a plumber for the purposes of Chapter XVIII or Chapter XVIII.

(2) Every such license shall be for a renewable

period of three years.

Rules for guidance of plumbers. 289. The Corporation may make rules for the guidance of licensed plumbers, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 288.

290. A plumber holding a liceuse for the purposes of Chapter XVIII—

Cowers and duties of plumber licensed for drainage works.

(a) may prepare, for the approval of the Corporation, plaus and estimates for the drainage

of premises;
(b) may, with the sanction of the Corporation, carry out drainage works in accordance with this Act and the rules or by-laws made

thereunder;
(c) shall furnish the Corporation with plans of all drainage works carried out under

clause (b);
 (d) may carry out any necessary repairs to municipal drainage works;

#### (Part V .- Chapter XIX .- Licensed plumbers .-Sections 291—293.)

- (c) may, when the owner or occupier of any premises has failed to comply with a notice requiring such owner or occupier to provide for the effectual draininge of such premises and if so directed by an order from the Corporation, earry out such works as may be necessary for the effectual drainage of the said premises; and
- (f) shall, when any works have been excented under clause (c), furnish the Corporation with plans of the same and with a statement of the cost of sneh works.

291. (1) No person other than a licensed plamber shall-

Probibition hy other work than plumber.

- (a) execute any work in connection with the laying on of water from any mains of tho Corporation to any land or huilding, or in connection with the extension of such mains or the supply of additional fittings after water has been so laid on, or
- (b) make any underground drain communicating with the public sewers, or
- (c) do any work in connection with such drain.
- (2) No owner or occupier of any land or building shall cause or allow any work referred to in sub-section (1) to be excented by any person other than a licensed plumber, and such work shall be liable to be dismantled at the discretion of the Corporation without prejudice to the right of the Corporation to prosecute under this Act the owner or occupier, as the case may he.

for any work done by them under or for any of the of heened plumbers. purposes of Chapter XVII or Chapter XVIII. (2) No licensed plumber shall, for any work

referred to in sub-scetion (1), demand or receive more tban the charge prescribed therefor under that subsection.

293. The Corporation shall provide for—

Control ficensed plumbers (a) the exercise of an adequate control over all and their and charges. licensed plumbers:

(b) the inspection of all work carried out by them; and

292. (1) The Corporation may from time to time Power to Corprescribe the charges to be paid to licensed plninbers position to pres-

[Ben, Act III

(Part V.—Chapter XIX.—Licensed plumbers.— Chapter XX.—Streets and public places.— Sections 294—296.)

(c) the hearing and disposal of complaints made by owners or occupiers of premises with regard to the quality of the work done by, the materials used by, any delay in the execution of the work by, or the charges made by, licensed plumbers.

Prohibitions and suspension or cancellation of license. 294. (1) No liceused plumber shall infringe any of the rules made under section 289, or execute carelessly or negligently any work under this Act or under any rules or by-laws made thereunder, or make use of bad materials, appliances or fittings.

(2) If any liceused plumber contravenes subsection (1), his license may be suspended or cancelled whether he be prosecuted under this Act or not.

#### CHAPTER XX.

#### STREETS AND PUBLIC PLACES.

# Proprietary rights of the Corporation.

Public streets and squares vested in the Corporation to name such streets and squares

295. (I) All public streets and squares (not being the property and kept under the control of the Government or the Commissioners for the Port of Calcutta or the Board of Trustees for the Improvement of Calcutta). including the soil, sub-soil, and the sidedrains, footways, pavements, stones and other materials of such streets and squares, and all orections, materials, implements and other things provided for such streets or squares shall vest in and belong to the Corporation.

(2) The Corporation may, from time to time, determine the name by which any public street or square

is to be known.

Maintenance, repair, protection and regulation of streets and public places.

Maintenance and repair of public a crete by Conjustation.

296. The Corporation shall cause the public streets vested in them to be maintained and repaired, and for those purposes may do all things necessary for the public safety or convenience, including the construction and maintenance of bridges, causeways and culverts.

(Part V.-Chapter XX.-Streets and public places.-Sections 297-300.)

297. The Corporation shall, so far as they may Watering, etc. consider it necessary to do so for the public equare and convenience, cause such public streets, squares and gardens. gardens, as they may from time to time determine. to be watered, oiled or otherwise treated in a suitable manner, and for that purpose may provide such animals, water-earts, materials and other annaratus as they may think necessary.

Streets and public places shall be main-298. Streets and public places trained, repaired, protected and otherwise regulated in etc. streets and tained, repaired, protected and otherwise regulated in Schedule XVI. accordance with the rules contained in Schedule XVI.

299. (1) When any verandali, platform or other similar structure or any fixture attached to a building poration so as to form part of the building, whether erected remain, etc., or before or after the commencement of this Act, causes fixtures attached a projection, encroachment or obstruction over or on project, etc, over any public street or any land vesled in the Corpora- land. etreet or tion, they may, by written notice, require the owner or occupier of the building to remove or alter such structure or fixture.

(2) If the expense of removing or altering any such structure or fixture is paid by the occupier of the building, in any ease in which the same was not creeted by himsolf, he shall be entitled to deduct any reasonable expense incurred for the purposes of such removal or alteration from the rent prophle by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such structure or fixture was elected before the flist day of June, 1863, or that it was erected on or after that day with the consent of any manicipal authority daily empowered in that behalf, the Corporation shall, after such structure or fixture has been removed, make reprotable conpensation to every person who suffers damage by the removal or alteration thereof.

300. (1) The Corporation may, after giving notice to him, require any person to remove any wall wall to be reand may of their own motion remeve any fence, worst rail, post, platform, or other obstruction, projection chargests or encroachment (not being a portion of a building tub catored or fixture referred to in section 299) which has been erected or set up, and any neaterials or goods which have been deposited, in a public street or In or over any drain or aqueduct in a public street, whether the oftender be prosecuted under this Act or not:

and the offender shall be liable for the payment of the expense of such removal

Rules for main-

l'ower to Corremove or alter to building which

Power to Core porcion to exice

Ben. Act III

# (Part V.-Chapter XX.-Streets and public places.-Sections 301, 302.)

(2) When under sub-section (1), the Corporation cause any wall to be removed or remove any other obstruction, projection or encroachment from land which forms part of a public street, no compensation shall be payable, but the Corporation shall be bound to provide proper means of access to and from the street if none exists already.

# Execution of works in streets.

Provision street.

(1) When any work is being executed by facilities, and pay the Corporation in any public street, they shall, so far tion, when work as may reasonably be practicable, make adequate executed by Corporation in public provision for-

(a) the passage or diversion of traffic;

- (b) proper access to all premises approached from such street; and
- (c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.
- (2) The Corporation shall pay compensation to any person who sustains special damage by reason of the execution of any such work.

# Building-lines and street alignments for public streets.

Power to Cor-poration to pre-scribe building scribe line and street alignment.

302. (1) If the Corporation consider it expedient to prescribe for any public street a building-line or a street alignment, or both a building-line and a street alignment, they shall give public notice of their intention to do so:

Provided that no building-line shall ordinarily be prescribed for any street laid out and made before the

commencement of this Act.

(2) Every such notice shall specify a within which objections will be received; and a copy of the notice shall be sent by post to every owner of premises abouting on such street who is registered in respect of such premises in the books of the municipality:

Provided that failure or omission to serve such notice on any owner shall not invalidate proceedings

under this section.

(3) The Corporation shall consider all objections received within the said period, and shall hear any objector who comes forward within such period as

of 1923.)

## (Part V.-Chapter XX.-Streets and public places,-Section 203.)

they may fix in this behalf, and may then make an order prescribing a building-line or a street alignment, or both a building-line and a street alignment

for such public street.

A register or book with plans attached shall be kept by the Corporation showing all public streets in respect of which a bullding-line or street alignment has been prescribed, and such register shall contain such particulars as to the Executive Officer may appear to be necessary and shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Corporation.

(4) A building-line shall not be prescribed so as to extend further lack than the main front wall of any building (other than a boundary wall) abouting on the

street at its widest part.

(3) Every order made under sub-section (3) shall be published in the Calcutta Gazette, and shall take effect from the date of such publication.

303. (I) No portion of any building ar boundary Betaktions on wall shall be erected or added to within a street state to believe to be a state of the state of th

allgnment prescribed under section 302:

Provided that the Corporation may, in their disserts alegander cretton, permit additions in a hullding to be made or burning line, within a street alignment, if such additions merely add in the height of, and rest upon, an existing building or wall, upon the unnered the building executing, if required to do so by the Corporation, an agreement binding binnell and his successors in interest—

Restrictions on prection of, on stilition to, buildings or boundary walls within street alignment

- (a) not to claim compensation in the event of the Corporation at any time thereafter calling upan him or such successors, by written notice, to remove any addition made to any building in pursuance of such permission, or any portion thereof, and
- (b) to pay the expenses of such removal.
- (2) If the Corporation refuse to grant the permission applied for to add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 302, and if such site, or the portion thereof which falls within such alignment, be not acquired by the Corporation within six months after the date of such refusal, they shall pay reasonable compensation to the owner of the site.

[Ben. Act III

# (Part V.—Chapter XX.—Streets and public places.— Section 304.)

(3) No person shall erect or add to any building between a street alignment and the building-line without first obtaining the permission of the Corporation to do so:

Provided that it shall not be necessary to obtain permission under this sub-section to erect, between a street alignment and the building-line.—

- (a) a porch or balcony, or,
- (b) along not more than one-third of the frontage, an outhouse not exceeding fifteen feet in height.
- (4) If the Corporation grant permission under subsection (3), they may require the applicant to execute an agreement in accordance with the proviso to subsection (1).

304. (1) The Corporation may at any time, after giving notice to the owner of the land of their intention, take possession of—

- (a) any land (abutting on a public street) upon which any portion of any building or wall, projecting beyond the front of the adjoining building or wall, on either side of such first-mentioned building or wall, has collapsed or been demolished or burnt down, and
- (b) any land not covered by buildings (including land on which a building has collapsed or been demolished or burnt down) which is situated within a street alignment prescribed under section 302.

after making full compensation to the owner thereof for any direct damage which he may sustain thereby and shall take possession of any land as specified, in clause (b) if the owner thereof calls upon them to do so.

(2) Any land taken possession of under sub-section (1) shall forthwith be added to and become part of the said street, and shall vest in the Corporation

Exploration—The expression "direct damage" as media sub-section (I) with reference to land, means the market-value of the bod taken and the dipterion of any, in the ordinary market-value of the rest of the land residing from the area being reduced on size, last does not include damage due to any principle use to which the water may also state insteaded to put the land although such use may 1s it juriously affected by the reduction of the site.

Power to Conporation to take possession vt, and add to street, land situated within preacribed street alignment or covered by projecting buildings.

# (Part V.-Chapter XX.-Streets and public places.-Sections 305-308.)

305. The Corporation may, upon such terms as they think fit, allow any building or wall to be set buildings forward forward for the purpose of improving the line of a to improve line of mublic street.

Power to Cor-

Opening, improvement and closing of public streets, sauares and gardens.

#### 306. The Corporation may—

(a) lay out and make new streets, squares and improve and gardens:

Power to Corclose squareq and

- (b) construct new bridges, causeways, culverts gardens and sub-ways;
- (c) turn, divert, or temporarily or permanently close any public street or part thereof, or permanently close any public square or garden; and
- (d) widen, open, enlarge, or otherwise improve any public street, square or garden.

307. (1) When any public street or part thereof, or any public square or garden is permanently closed poration to dispose of a permanent under section 306, the Corporation may sell or lease nearly closed the site of so much of the road-way and foot-path garden. as is no longer required, or the site of the square or garden, as the case may be, making due compensation to, or providing means of access for, any person who may suffer damage by such closing.

Power to Cor-

(2) In determining such compensation under section 523, the court shall make allowance for any benefit accraing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, square or garden, at or about the same time that the public street, square or garden, on account of which the compensation is paid, is closed,

#### Projected public streets.

308 (1) The Corporation may from time to time Projected public prepare schemes and plans of projected public streets. showing the direction of such streets, the street alignment and building-line on each side of them, their intended width, and such other details as may appear desirable.

Ben. Act ill

# (Part V.-Chapter XX.-Streets and public places .-Sections 309, 310.)

(2) The width of such projected streets, inclusive of space for foot-paths, shall not be less than forty feet or, in a bustee, twenty feet:

#### Provided that-

- (a) the Corporation may, for special reasons, reduce the width of any projected street, but not so as to be less than thirty feet or in a bustee sixteen feet; and
- (b) this sub-section shall not apply in any case in which the projected street, or any part thereof, runs along an existing street and the Corporation consider it impracticable to widen the street to the extent of forty feet or twenty feet, as the case may be.

Pravisions of section 302 and section 302 to apply to with all necessary modifications, projected public streets projected under coefficients. 309. The provisions of sections 302 and 303 shall, apply to public streets projected under section 308.

# Acquisition of land and buildings.

Power to Corporation to acquire land and buildings for improvement of public atreets, sq aquares

## 310. (1) The Corporation may acquire-

- (a) any land required for the purpose of opening, widening, extending or otherwise improving any public street, square or garden, or of making any new public street, square or garden, and
- (b) the buildings (if any) standing upon such land.
- (2) The Corporation, with the sanction of the Local Government, and after giving duo notice of their intention and an opportunity to any objector, who appears within such period as they may fix, to be heard in this connection, mny acquire, in addition to any land and buildings acquired under sub-section (1), any land outside any proposed street alignment, with the buildings (if any) standing thereupon, which the Corporation may, for any of the purposes mentioned in sub-section (1), including the recompment of the cost or any portion of the cost incurred for any such purposes, consider it expedient to acquire.

THE CALCUTTA MUNICIPAL ACT, 1923. of 1923.1

> (Part V.—Chapter XX.—Streets and public places.—Section 311.)

#### Abandonment of acquisition.

311. (1) In any case in which the Local Government have sanctioned the acquisition of land under of consideration of section 310, sub-section (2), the owner of the land, or special payment. any person having an interest therein greater than a lease for years having seven years to ran, may make an application to the Corporation, requesting that the acquisition of the land he abandoned in consideration of the payment by such person of a fee to be fixed by the Corporation in that behalf.

(2) The Corporation shall admit every such application if it reaches them before the time fixed by the Collector under section 9 of the Land Acquisition Act, 18941, for making claims in reference to the land:

894.

Provided that unless the application is made by all the persons who have an interest in the land greater than a lease for years having seven years to run, the application shall not be deemed to be admitted unless the person applying undertakes to pay in one instalment the full fee payable under sub-section (3) and thereafter pays such fee.

Explanation .- A mortgagee shall not be deemed to be a person having an interest in the land greater than a lease for years having seven years to run.

(3) If the Corporation decide to admit any such application, they shall forthwith inform the Collector, and the Collector shall thereupon stay proceedings for the acquisition of the land, for such period as the Corporation may request, and the Corporation shall proceed to fix a fee in consideration of which the acquisition of the land may be abandoned.

(4) In fixing the fee to be paid in consideration of the abandonment of the aequisition of the land, the Corporation shall, so far as to them may appear to be practicable, fix a sum which in their opinion represents two-thirds of the increment in the value of the land, which will in their opinion accrue to that land as a result of the improvements effected in the locality by the scheme for the purposes of which the aequisition has been sanctioned.

(5) Such fee shall be and remain a charge on the land, in respect of which it has been fixed, until the repayment thereof with interest in the manuer hereinafter provided and shall be payable by the applicant on or before a date to be fixed by the Corporation in this behalf; and such date shall not be less than four years

1 General Acts, Vol. IV.

[Ben. Act III

# (Part V.—Chapter XX.—Streets and public places.—Section 311.)

from the publication of the notification under section 6 of the Land Acquisition Act, 1894, nor shall lot 1891 such date be a date before that on which the scheme is declared by the Corporation to be completed in so far as it affects such land.

(6) Before the date so fixed, the person from whom the Corporation bave arranged to accept the said fee, may, if the Corporation are satisfied that the security offered by him is sufficient, execute an agreement

with the Corporation either-

(i) to leave the said fee outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at a rate not exceeding seven per cent, per annum, the said interest to run from the date fixed under sub-section (5), or

(ii) to pay the said fee by such number of equal yearly or half-yearly instalments of principal or of principal and interest, as may be approved by the Corporation, interest in both cases being calculated at a rate not exceeding seven per cent. per annum on the amount outstanding.

(7) When the said fee has been paid on or before the date fixed under sub-section (3), or when an agreement has been executed in pursuance of subsection (6) in respect of any land, the proceedings for the acquisition of the land shall be deemed to be abandoned.

(3) If the said fee be not paid on or before the duto fixed under sub-section (5), the Collector shall then

proceed to acquire the land.

(9) If any sum payable under an agreement executed in pursuance of sub-section (6) be not paid on the date on which it is due, or on such later date as the Corporation may in their discretion fix in this behalf, so much of the fee lixed by the Corporation under sub-section (3) as is still unpaid, shall be payable or that date, in addition to the said sum.

(10) At any time after an agreement has been executed in pursuance of clause (i) of sub-section (5) any person may pay off the balance outstanding of the charge created thereby, with interest due, if any, at a rate not exceeding seven per cent, per annum, up to

the date of such payment.

# (Part V.-Chapter XX.-Streets and public places.—Sections 312-314.)

312. When an agreement has been executed by any person in pursuance of section 311, sub-section money payable in (6), in respect of any land, and any money payable section 311. in pursuance of that section is not daly paid, the same shall be recoverable by the Corporation (together with interest up to the date of realization, at a rate not exceeding seven per cent. per annum), under the provisions of this Act:

and, if not so recovered, the Corporation may, after giving unblie notice of their intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or sneeds. sor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

313. If any land in respect of which an agreement has been executed, or a payment has been necepted, in pursuance of section 311, sub-section (6), but he subsequently required for any of the purposes of declaration, this Act, the agreement or payment shall not be deemed to prevent the nequisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act. 1894.

Agreement payment under section 311 not to

# Special provisions as to private streets.

314. (1) Any person intending to make or lay out a new private street shall send to the Corporation a written notice, with plans and sections showing the following partienlars of the proposed street, namely :-

Making of new rivate streets.

- (a) the level, width and alignment thereof, and (b) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining and lighting the street.
- (2) The provisions of this Act as to the width of nublic streets and the height of buildings abutting thereon, and as to projected public streets, shall respectively apply in the case of streets referred to in snb-section (1); and all the partienlars referred to in that sub-section shall be subject to approval by the Corporation:

Provided that the Corporation may allow a private street to be made or laid out of a width less than forty feet but not less than twenty feet, and, if the street is less than two hundred feet in length, the maximum width of such street may ordinarily be taken to be thirty feet instead of forty feet.

Ben, Act III

# (Part V .- Chapter XX .- Streets and public places.-Sections 315, 316.)

- (3) Within ninety days after the receipt of any notice under snb-section (1), the Corporation shall either sanction the making of the street, or disallow it, or ask for further information with respect to such street.
  - (4) Such sanction may be refused-
    - (i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Corporation likely to be made within a reasonable period, for carrying out any general scheme of street improvement, or
    - (ii) if the proposed street does not conform to the provisions of this Act reforred to in subsection (2), or
  - (iii) if the proposed street is not designed so as to connect at one ond with a street which is already open.
- (5) If further information is asked for under subsection (3), no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information, and such orders shall be passed within ninety days of the receipt of such further information.
- (6) If within ninety days after the receipt of any notice under sub-section (1), or within ninety days after the receipt of any further information asked for under sub-section (3), the Corporation has not refused sanction to the making of the private street, it shall be deemed that sanction to the same has been granted.

315. Except as provided in sub-section (6) of section 314, no person shall make or lay out any street referred to in sub-section (1) of that section .-

- (a) until ho has obtained the sauction of the Corporation under that section, or
- (b) in contravention of any orders made thereunder.

Alteration demolition

Prohibition of breach of section

314.

316. (I) If any person makes or lays out any demonstrate of street referred to in section 314, sub-section (1), withont having obtained the sanction of the Corporation under that section, or in contravention of any orders made thereunder, they may, whether or not the

breach of section

# (Part V.-Chapter XX.-Streets and public places.—Sections 317, 318.)

offender be prosecuted under this Act, by written notice,-

- (a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Corporation on or before such day as may be specified in the notice, why such street should not be altered to their satisfaction or, if such alteration be impracticable, why such street should not be demolished, or
- (b) require the offender to appear before them, either personally or by a duly authorized agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause, to the satisfaction of tho Corporation, why such street should not be so altered or demolished, they may cause the street to be so altered or demolished, and the expenses thereof shall be paid by such person.

317. (1) If any privato street or any part thereof Leveling, etc. be not levelled, paved, metalled, flagged, channelled, of private streets. sewered, drained and lighted to the satisfaction of the Cornoration, they may, by written notice to the owner of such private street or the respective owners of the land fronting, adjoining or abutting upon such street or part, as the ease may be, from time to time require them to level, pave, metal, flag, channel, sewer, drain and light such street or part.

(2) If such notice be not complied with and the Corporation, under section 510, sub-section (2). execute the works mentioned or referred to therein. the expenses thereby incurred shall be paid by the owner of such private street or the owners in default, in such proportion as may be settled—

- (a) by the Corporation, or.
- (b) in case of dispute, by the Court under section 523.

318. If any private street which conforms to Power to Crr. the provisions of this Act referred to in section 311, poration to take sub-section (2), be levelled, paved, metalled, flagged street. channelled, sewered, drained and lighted to the

Ben, Act III

(Part V.—Chapter XX.—Streets and public places.—Chapter XXI.—Buildings.— Sections 319, 320.)

satisfaction of the Corporation, and if a majority of-

(a) the owners of land or huildings in such street, or

(b) the owners of the street, or

(c) the owners who have paid the expenses referred to in section 317, sub-section (2).

signify in writing their consent thereto, the Corporation shall declare the same, by written notice put up in any part of such street, to be a public street, and thereupon the same shall become a public street and shall vest in the Corporation:

Provided that, where a private street has been in existence for not less than thirty years and is used by the people of the locality as a thoroughfare, the Corporation may declare such street to be a public street even though it does not strictly comply with the provisions of this chapter, if—

- (a) the owners of lands and haildings in such street, or
- (b) the owners of the street,

signify in writing their consent thereto.

#### CHAPTER XXI.

#### BUILDINGS.

Use of buildingsites, and erection of new buildings,

- 319. No piece of land shall be used as a site for the erection of a new building, and no new building shall be erected, otherwise than in accordance with—
  - (a) the provisions of this chapter and of Schedule XVII, and
  - (b) any orders, rules or by-laws made under this Act.

relating to the use of huilding-sites or the erection of new buildings, as the case may be.

220. If any question arises as to what, for the purposes of this Act, shall be deemed to be the site of any proposed mesonry building, the Corporation shall determine the same, and their decision shall be final.

Corporation to determine after of proposed manusty building

# (Part V.-Chanter XXI.-Buildings.-Sections 321-321)

#### Licensed building surveyors.

321. (1) The Corporation may from time to time grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they think fit a license to not as our grant to any person they are grant to any person to a grant to any person to a grant to any person to any person to a grant a licensed building surveyor for the purposes of this chapter.

(2) The Corporation may prescribe the qualifications to be required in persons to whom licenses may be granted under sub-section (1) in respect of the several classes of buildings.

(3) Every such license shall be for a renewable

period of three years.

322. (1) The Corporation may make rules for the guidance of licensed building surveyors, and a copy building surveyof all such rules, for the time being in force, shall be one. written on the back of every license granted under section 321.

Rules for guid-

(2) The Corporation may from time to time prescribe a scale of fees of licensed building surveyors in respect of any class of buildings, to be made applicable in the absence of a written contract to the contrary.

323. The Corporation may decline to accept any ulan, elevation or section, submitted with any application for permission to creet a new building, unless made by persons such plan, elevation or section has been prepared other than heens by and bears the signature of, a licensed building veyors surveyor.

Power

#### Buildings generally.

324. (1) The Corporation may at any time give public notice of their intention to declare that, in any regulate street, portion of a street or locality specified in the notice.

Power to Corporation fut ure erection of certain classes of buildings in particular streets or locali-

- (a) the elevation and construction of the frontage of all new buildings (other than huts) thereafter creeted shall, in respect of their architectural features, be such as the Corporation may consider suitable to the locality, or
- (b) the erection of only detached buildings will be allowed, subject to the provisions of this Act relating to detached buildings, or
- (c) the erection of shops, or of any particular class of shops, or of buildings of the warehouse class, will not be allowed without the special permission of the Corporation, or

Ben. Act III

# (Part V.-Chapter XXI.-Buildings.-Section 325.)

- (d) the erection of buildings of the warehouse class will be allowed, subject to the provisions of this Act relating to such buildings.
- (e) the erection of buts will not be allowed without the special permission of the Corporation.
- (2) A copy of such notice shall be by the Corporation on all owners of buildings and lands in such street or portion thereof or in such locality, as the case may be, who are registered on the books of the Corporation as such:

Provided that no failure to serve such notice shall invalidate or affect any declaration published under

sub-section (5).

(3) No objections to any such declaration shall be received after a period of three months from the

publication or the service of such notice.

(4) The Corporation shall consider all objections received within the said period, and shall hear any objectors who may appear before them within such period as they may fix in this behalf, and may prepare a declaration relating to the streets or localities referred to in the notice.

(5) When any such declaration has been so prepared, it shall be published in the Calcutta Gazette, and shall take effect from the dute of such

publication.

(6) No person shall erect any new bailding in

contravention of any such declaration.

325. (1) Save with the special permission of the Corporation, no new building (other than a hut) recial permission shall be erected unless-

- (a) the site of such building abuts on a public street, or a projected public street, or a private street duly sanctioned and constructed under section 314, or existing before the commencement of this Act, or
- (b) there is access to the building from any such street by a passage or pathway, appertaining to such site, and not less than twelve feet wide at any part.
- (2) No building shall be ejected so as to deprive any masonry building of the means of access as provided in this section.

Masonry building not to be erected without in certain cases.

1899.

# (Part V.-Chapter XXI.-Buildings.-Sections 326-329,)

326. For the purpose of bringing any public building, except a building which is intended solely require attention for and is used solely as a place of public worship, of existing public worship, building. into conformity with the provisions of this Act relating to new public buildings, the Corporation may, by written notice, and after giving him an opportunity of heing heard, require the owner of the building to make such alterations therein for the purposes of sanitation and the safety of the public or of the inmutes thereof, as may he specified in the notice.

Power to Co

327. The Corporation may, by written notice. require the owner of any public huilding to provide ings. the building with external doors or doorways of such number, height and width as the Corporation may consider necessary, or to cause the external doors thereof to be so constructed or altered as to open outwards.

External door of public build

**328.** (1) Savo with the special permission of the Corporation, no person shall use a huilding or change in user of a substantial part of a building erected for use as, and belonging to, any one class of buildings, as a building of any other class in such a mannor that the hulding or part thereof so used will not be in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings of that other class :

Prohibition

Ben Act III Calcutta Municipal Act, 1899, shall have the effect sanctioned.

Provided that no change made by this Act in the classification of huildings as in force under the of preventing the use of a building for the purposes for which it was declared to be intended to be used at the time when the plans of such building were

(2) The provisions of sub-section (1) shall not apply to the use as a shop of a building or a substantial part of a building which was not erceted for such use :

Provided that if, in any street, portion of a street or locality in which the erection of shops is not allowed under clause (c) of sub-section (1) of section 324, any such building or part thereof is used as a shop without the special permission of the Corporation, they may by written notice, require the owner or occupier of such shop to close the same.

329. If any dispute arises as to what portion of a building shall be deemed to be a substantial part thereof for the purposes of this Act, it shall be to decide what the referred to the Corporation, whose decision shall be of the building of the substantial part of the purpose of the substantial part of the corporation.

[Ben, Act III

# (Part V.-Chapter XXI.-Buildings.-Sections 330-3323

Application of Act to alterations of, and additions to, buildings.

Application of to, buildings

- 330. Subject to the provisions of section 331, the Act to alterations of, and additions provisions of-
  - (a) this chapter,
  - (b) Schedule XVII, and
  - (c) any orders, rules and by-laws made under this Act.

relating to the erection of new buildings, shall, subject to the rules in Part X of the said Schedule XVII, apply to every alteration of, or addition to, any building, and to any other work (except that of necessary repairs not involving any of the works specified in rule 92 of the said schedule) made or done for any purpose in, to, or upon any building.

Explanation .-- No work of re-crection or re-construction which would constitute any building a new building under sub-clauses (b), (c) or (d) of clause (46) of section 3 shall, for the purposes of this section, he deemed to be an alteration of, or addition to, or any other work made or done to or upon, such building, but in the case of such re-crection or re-construction the provisions relating to the crection of new buildings as referred to in this section shall apply to the whole of the said new building.

Power to relax provisions of chapter and Sche-dule XVII

331. In the case of an ercetion of any new building as defined in sah-clauses (b), (c) or (d) of clause (46) of section 3, and in the case of any addition or alteration or other work referred to in section 330, such relaxation of the provisions of this chapter and Schedule XVII may be made as the Corporation may think fit:

Provided that—

(1) no such relaxation shall apply to eases other than those specifically mentioned in rule 91 of Schedule XVII, and

(2) such relaxations are not likely prejudicially to affect the sanitation or ventilation of the building or

other buildings in its vicinity.

Prection of, or allithen to be ur-

332. The Corporation shall not refuse sanction to the erection of a boundary wall exceeding ten fig as everyt feet in height or to any addition to any boundary wall so as to make it exceed ten feet in height on the ground that such boundary wall or such addition

of 1923,1

(Part V.-Chapter XXI.-Buildings.-Sections 333, 374.)

would cause interference with an existing easement in favour of, or prevent the acquisition of an easement by, the owner of adjacent premises.

## Exemptions.

333. The following buildings shall be exempted Exemptions. from the operation of this chapter, namely,-

- (a) any building erected and used, or intended to be erected and used, exclusively for the purpose of accommodating a pump for pumping water to the higher storeys of a huilding, or exclusively for the purvose of a plant-house, summer-house (not being a dwelling-house), ponltry-house or aviary, if the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building:
- (b) any huilding erected or intended to be erected by, or with the sanction of, the Corporation, for use solely as a temporary hospital for the reception and treatment of persons suffering from any daugerous disease; and
- (c) any hoarding or like means of protection (other than a masonry wall) which the owner of any piemises certifies to the Excentive Officer not less than seven days after its erection to have been erected for the purnose of preventing the threatened aequisition of any easement over his own premises or any portion thereof, provided that the stability of such hoarding or other means of protection is certified by the Excentive Officer.

334. (1) No building shall be erected or used for a temporary purpose without the approval of the building to Corporation, or otherwise than in accordance with approved to approve to the property of the p any hy-laws made in this behalf under this Act.

(2) If any building creeted and used for a temporary purpose is not used strictly for such purpose and in accordance with any by-laws made under this Act, the building may be demolished by the Corporation at the expense of the owner thereof whether he is prosecuted under this Act or not.

Erection

Ben, Act III

(Part V.-Chapter XXII.-Bustees.-Sections 335-337)

## CHAPTER XXII.

#### BUSTEES.

# Preliminary.

٠. .

Restriction on application of

ings in bustees.

Power to Corporation may define the external position to define limits of any bustee, and may from time to time alter 335. The Corporation may define the external such limits.

336. None of the powers conferred by any of the this chapter to following sections of this chapter shall be exerciseto masonry build- able in respect of—

> (a) any bustee the total area of which, as comprised within the limits defined under section 335, is less than two bighas, or

> (b) any masoury building existing in a bustce at the time when a standard plan is approved or alignments are prescribed under section 360 for such bustee, as the case may be.

# Improvement of bustees.

Power tο Corporation bustee of between improvements,

337. (1) Notwithstanding anything contained require owner of in section 336, the Corporation may, for sanitary srea reasons, require the owner of any busice of which the collishs and two total area as comprised within the limits defined out certain under section 335 is more than ten cottans but less than two bighas,-

(a) to open up and construct such passages, not exceeding twelve feet in width, between the huts, and to provide such surface drains and latrines for the use of the tenants of the busiee, as the Corporation may think

necessary, and (b) to remove the whole or any pertion of a hut, provided that the owner of the hut shall be entitled to receive from the Municipal Fund such compensation calculated according to estimated value of the structure removed, as the Corporation may deter-

mine.

(2) When the Corporation propose to issue a requisition in respect of any bustee under subsection (1), they shall prepare a standard plan showing the proposed improvements, and may then, by written notice, call on the owner of the busine to show cause why the busice should not be improved within a date to be fixed in conformity with the said planof 1923.)

## (Part V.-Chapter XXII.-Bustees.-Section 338.)

(3) The provisions of sections 345, 346, 347, 352, 355, 356 and 359 shall, with all necessary modifications, be deemed to upply in the ease of every

requisition issued under sub-section (1).

338. (1) The Corporation may at any time, Power to Corif it appears to them that any busilee, for sanitary requirereasons, requires improvement, serve a written time of standard
notice upon the owner of such busilee requiring him busilee. to prepare and submit a plan of the bustee, to the scale of twenty-five feet to the inch, showing-

(a) the manner in which the bustee should be laid out, with the buts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging,

(b) the drains for the general use of the tenants of

the bustee,

(c) the means of lighting, common water-supply. bathing arrangements (if any) and common privy accommodation to be provided for the use of the tenants.

(d) the streets and passages which are to be maintained for the benefit of the tenants,

(e) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved, and

(f) any other proposed improvements:

Provided that when there are two or more owners of a bustee the Corporation may require them to pre-

pare and submit a joint plan of the bustee.

(2) The streets referred to in clause (d) of sub-section (1) shall be not less than sixteen feet wide and ordinarily not more than two hundred feet apart, and the passages referred to in that clause shall be not less than twelve feet wide.

(3) If there is any masonry building within the limits of the bustee, the said plan shall be so prepared as clearly to distinguish such building and the land

pertaining to it. (4) The said plan-

> (i) shall be considered by the Corporation and modified in such manner as may be required, and

(ii) shall, when approved by them, be deemed to be the standard plan of the bustee.

581

of 1923.7

## (Part V.-Chapter XXII.-Bustees.-Sections 342-344.)

342. (1) When a standard plan has been approved for any bustee under section 338 or section 339, the poration Corporation may at any time, by written notice, of hut require the owner of any hut in such bustee, which is conformity with not in conformity with the standard plan, to remove the whole or any portion of such hut.

Power to Corremoval

(2) When a hut or portion of a hut has been removed in compliance with a requisition made under sub-section (1), the owner thereof shall be entitled to receive from the Municipal Fund such compensation ealculated according to the estimated value of the if the owner elects to take these, as the Corporation may determine.

343. (1) The Corporation may at any time, by Power to Corwritten notice, require the owner of any bustee for protection to require which a standard plan has been prepared under of other improve-343. (1) The Corporation may at any time, by

section 338 or section 339-

ments in confor-

(a) to construct the drains, privies, streets and standard plan. passages, provide the means of lighting. water-supply and common bathing arrangements, and carry out the other improvements shown in such plau, so far as may be practicable having regard to the existing arrangement of the lints, and

(b) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve or fill up such tank, well or low land.

(2) Until such notice is complied with, the Corporation may refuse to sanction the erection of a new building which is a but or the making of any addition to any hat in the bustee.

344. (1) If it appears to the Corporation that any bustee.

(a) by reason of the manner in which the lints medical are crowded together, or

(b) for any other reason,

Inspection, report and preparaplan by registered medical practi-tioner and engi-neer, in cases neer, in cases requiring expedi-

Hon

is in such an unhealthy condition that the procedure provided by the foregoing sections of this chapter would be too dilatory to meet the emergency,

they may, after giving notice to the owners of the bustee, cause the bustee to be inspected by two persons appointed in that behalf, one of whom shall be a medical officer of the Corporation or a person holding the diploma of Public Health or baving such other

[Ben. Act III

# (Part V.—Chapter XXII.—Bustees.—Section 344.)

qualifications as may be prescribed by the Corporation in this behalf, and the other an engineer. In appointing such persons the Corporation shall consider any proposals made by the owner of the bustee in this connection.

(2) The said persons shall forthwith-

- (a) make, sign and submit a written report on the sanitary condition of the bustee, and
- (b) annex to the report a plan approved by them as a proper standard plan of such bustee, and
- (c) certify-
  - (i) which of the improvements required to bring the bustee into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the bustee, and
  - (ii) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.
- (3) The improvements referred to in sub-clauses (i) and (ii) of sub-section (2) shall be specified in two separate schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.
  - (4) The said schedules shall clearly indicate-
  - (a) the lints which should wholly or in part be removed.
  - (b) the streets, passages and drains which should be constructed.
  - (c) the means of lighting, water suppty, common bathing arrangements and common privy accommodation to be provided for the use of the tenants.
  - (d) the tanks, wells and low lands which should be filled up,
  - (e) any other improvements which the two persons appointed under sub-section (1) may consider necessary in order to remove or abate the nuhealthy condition of the buster, and

## (Part V.—Chapter XXII.—Bustees.—Sections 345-347.)

- (f) any masonry building within the bustee, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages, or effecting any such improvement.
- (5) A report (together with the schedules annexed thereto) made and signed under this section by any two persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.

345. (1) The Corporation shall consider every report (together with the plan and Schedules A and B standard annexed thereto) made under section 344, and, after and hearing the objections (if any) of the owner of the report. buster in respect of which the report has been made, and of any owner of any but which is required to be demolished or altered and of the owner of any masonry building which is to he dealt with under sub-section (4) of section 344, may approve such plan and schednles after making sneh modifications (if any) therein as they may think fit.

(2) The plan so approved shall be deemed to be the

standard plan of such bustee.

346. When Schedule A, annexed to a report poration to made under section 344, has been approved under section 345, the Corporation may cause a written occupies to carry countries to be served upon—

(a) the owners of the huts referred to in such Schedule A, or

(b) the owners of the bustee in which such huts are sitnated.

requiring them to carry out all or any of the improvements specified in that schedule or any portion of such improvements.

347. When any improvements required by a Payment notice under section 346 are carried out by the Cor-expenses incurred out poration under section 510, all expenses incurred improvements thereby, including such reasonable compensation as the Corporation may think fit to pay to the owners or occupiers of huts removed,

shall be paid by the owner of the busies to the Corporation and shall constitute a charge upon such

bustee :

Provided that, notwithstanding anything contained in section 516, if it appears to the Corporation that any such owner is unable, by reason of poverty,

plan schedules

annexed to such

[Ben. Act III

# (Part V.-Chapter XXII.-Bustees.-Sections 348-350)

to pay such expenses or any portion thereof, in the ease of expenses relating to work which should, in the opinion of the Corporation, have been done by the owners or occupiers of hits within the bustee, they may order the same or any portion thereof to be paid out of the Municipal Fund, and in the case of expenses which should be paid by the owner of the busice, they may order the same or any portion thereof to be advanced out of the Municipal Fund, but thereafter to constitute a charge upon such bustee.

Disposal by the Corporation of materials of huts pulled down.

(1) If, in earrying out any improvement as provided in section 346, the Corporation cause any hut or portion of a hut to be pulled down, they shall-

- (a) cause the materials of such but or portion of a but to be given to the owner of the but if such owner elects to take them; or
- (b) if the owner does not elect to take the materials. or if the owner be unknown or the title to the but he disputed, cause such materials to be sold, and hold in denosit the proceeds of the sale, together with any sum awarded as compensation under section 347.
- (2) Any amount held in deposit under clause (b) of sub-section (1) shall be so held by the Corporation until any person obtains an order from a competent Court for the payment to him of such amount.

(3) A Court of Small Causes shall be deemed to be a competent Court for the purposes of this section.

349. The Corporation may, at any time after the Power to Corneration to purchase receipt of a report made under section 311, purchase acquire masonry build-ings or land in bustes. or acquirebuild-

- (a) any masonry building within such bustee, or (b) any land appertaining to such building, or
- (c) any such building, together with the land
- appertaining thereto or any portion thereof,

which is mentioned in that behalf in Schedule A or Schedule B annexed to such report.

Application of westing and lubarret rwiich eranderd plantas

When a standard plan of a bustee, and any 350. Schedule B, nunexed to the report made under section 311 with respect to that busice, have been approved ten angiver inder section 315-

(a) the provisions of section 311 shall apply to such bister, and

of 1923.)

## (Parl V.-Chapter XXII.-Bustces,-Section 351.)

- (b) the provisions of sections 312 and 313 shall apply to such busice in respect of the iniprovements indicated in that schedule as provided in section 311, sub-section (4).
- 351. (1) Notwithstanding anything contained in sections 315 to 350, the Corporation may, after power to Corpora receipt of a report made noder section 314 with standard plan, to respect to any bustee, and after giving an opportunity purchase or acquire bustee, and of being heard to the owner thereof, pass a resolution to carry out into the effect that the bustee is an unhealthy area and selves or through that, in their opinion, the purchase or acquisition of purchaser the busice, or of any portion thereof, is necessary for the purpose of making the Improvements referred to in the said report.

(2) When any such resolution has been passed, the Corporation shall make a plan for the improvement of the said bustee or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purch; se or acquire the sald busice or portion thereof, and such plan shall be deemed to be the standard plan of the bustee,

(3) When any bustee or portion of a bustee has been so nuchased or acquired, the Corporation shall

as soon as is reasonably practicable, either-

(a) sell or let the same or part thereof to any person for the purpose and under the condition that he will, as respects the land so sold or leased to him, earry out the improvements shown in such standard plan, or

(b) themselves bring the said bustee or portion thereof or any part of the same which has not been sold or leased under clause (a), into conformity with such standard

- (c) proceed under the provisions of section 468 to take measures for the creetion of sanitary dwellings for the working classes or for the poorer classes, or for both, on such land.
- (4) Whonever the Cornoration decide to sell or let under sub-section (3) any busies or portion thereof so purchased or acquired from any person, they shali offer to the said person or his beirs, executors or administrators a prior right to purchase or take on lease such bustee when disposing of the same under subsection (3), if such person applies in this behalf, at

Alternative

Bon. Act III

# (Part V.—Chapter XXII.—Bustces.—Sections 357, 358.)

to the satisfaction of the Corporation, such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works on such land as may be sbown in the plan.

(2) The Corporation may, at any time, cause a written notice to be served upon such owner requiring him so to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation. means of lighting, means of water-supply and other works.

Provided that any convenience made by the owner of a hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the bustee.

(3) If the Corporation are satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or any portion thereof, has been damaged by any tenant or tenants of the bustee, the Corporation may, if they think it desirable to do so, call apon such tenant or any one or more of such tenants by a written notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or portion thereof.

Rights of landowner and hatowner, respectively, over streets, land and drains shown in standard plan.

- 357. (1) The owner of any land in a busice, for which a standard plan has been approved under this chapter, shall be deemed to be the occupier of—
  - (α) all the streets, passages and common ground, (b) all drains provided for the use of more than
- one lut, and
  (c) the common bathing arrangements, common
  privice and means of lighting the bustee,
  on such land, so far as the same are constructed in

accordance with the standard plan.
(2) The owner of any but in such bustee shall be

- deemed to be the occupier of—
  - (i) the land on which such hat stands,
    - (ii) the open space behind such but which appertains thereto, and
  - (iii) every drain, privy, means of lighting or water connection (if any) provided for the sole use of such but.

Reference when to

358 When a bustee has been brought into conformity with the standard plan approved under this chapter for such bustee, it shall be deemed to be a remodellyd bustee.

(Part V.—Chapter XXII.—Bustees.—Section 359.)

359. (1) The owner of any land included in a bustee and bearing a separate number in the assess- to take land out ment-hook may, at any time, whether a standard plan of the category of the cat for the bustee has been prepared under this chapter or cases. not, send a written notice in the Corporation that he intends to remove all the huts standing on such land :

Power to owner

Provided that the receipt of any such notice hy the Corporation shall not he a bar to the approval by the Corporation, under this chapter, of a standard

plan of such busice.

(2) From the date of such notice no application shall be entertained for erecting on such land any new building which is a but or adding to any but

standing thereon.

(3) Such owner shall, within six months after the date of such notice, or within such further time as the Corporation may from time to time allow, remove all hnts standing on such land; and, if he does not do eo, the notice shall be deemed to be cancelled.

(4) When all such huts have been so removed, euch

land shall, according to its situation, either-

(i) be altogether excluded from the limits of the bustee, or

(ii) be shown in a standard plan approved for the bustee under this chapter, as not being a part of such bustee:

Provided that, if in the standard plan any street or passago is shown on such land, the provisions of sections 343, 346, 350, 354, 356 and 357 shall, with all necessary modifications, be deemed to apply to such street or passage unless the Corporation otherwise direct.

(5) If, after all the huts standing on any land have been removed under sub-section (3), any application is received for erecting any lint on such land, the Corporation may, by written notice, require the owner of the land to carry out such improvements included in the standard plan as they may think fit.

(6) When all the lints standing on any land within a bustee have been removed under sub-section (3), the

Corporation may either-

(a) cancel the standard plan (if any) already approved, under this chapter, for such bustce, or

(b) modify such plan, after bearing the objections (if any) of any owner of land included in such bustee.

[Ben. Act III

# (Part V.—Chapter XXII.—Bustees.—Section 360.)

(7) Where any land, formerly included in a bustee, ceases to be so included, and where any street or passage was shown on such land in the standard plan and where on such land ceasing to be so included the Corporation do not consider it to be practicable or do not consider it to be expedient to change the alignment of such street they shall, in applying the proviso to sub-section (4) to such street, compensate the owner of such land for any area that is included in such street which is in excess of one-seventh of the entire area of the land which ceases to be included in the bustee.

#### Busiee streets.

Power to Corporation to prescribe alignments for busies streets.

- **360.** (1) In any busice, in respect of which a standard plan has not been prepared, or in any area in which it appears to the Corporation that huts are likely to be erected, the Corporation may, after hearing the objections, if any, of any owner of land in such busice, prescribe alignments, not more than sixteen feet in width for such private streets as they may think fit.
- (2) When the land within such bustee or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shatl, as far as practicable, be so preseribed as not to occupy, within any such plot, more than one-fifth of the area thereof and shall not ordinarily be less than two hundred and fifty feet apart.
- (3) If, in any such plot, more than one-fifth of the area thereof is occupied by such alignments, the Corporation shall pay reasonable compensation to the owner of the plot:

Provided that no such compensation shall be paid in respect of any such plot as long as any but or other structure other than a masoney building is left standing within any such alignment in the plot.

- (4) No but or portion of a but shall be erected within any alignment prescribed under sub-section
- (5) The provisions of section 351 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

(Part V.-Chapter XXII.-Bustees,-Chapter XXIII.

-Demolition, alteration and stopping of unlawful work.—Sections 361—363.)

361. (1) In any bustee, at any time after the poration to require expiration of seven years from the time when any removal of existalignment has been prescribed-

(a) for a street under section 360, or

(b) for buts under rule 66 of Schedule XVII.

ing hate within street or alignment bustee.

the Corporation may, by written notice, require the owner of the land or the owners or occupiers of existing buts to remove such buts or portions thereof as fall-

- (i) within any such prescribed street alignment, or
- (ii) within six feet on either side of any such prescribed but alignment,

as the case may be.

(2) When a hut has been removed under the provisions of sub-section (1), the Corporation shall pay to the owner thereof such compensation as they may consider to be reasonable, but such compensation shall in no case exceed the value of the hut less the value of the materials thereof.

362. Any person who erects a masonry huild-

ing-(a) in any busies in respect of which a standard plan has been approved under sections 338, building in bust 339 or 345, or

Power to Corporation to require space to be kept between masonry and centre line of bustee street.

(b) in any bustee or area in respect of which alignments for streets have been prescribed under section 360.

shall, if so required by written notice issued by the Corporation, leave a clear space of fifteen feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.

#### CHAPTER XXIII.

DEMOLITION, ALTERATION AND STOPPING OF UNLAWFUL WORK.

- 363. (1) If the Corporation are satisfied— (1) that the erection of any new building-
  - (a) has been commenced without obtaining the unlawfully commenced, carried on written permission of the Corporation, or completed.

Demotition alteration building

[Ben. Act III

(Part V.—Chapter XXIII.—Demolition, alteration and stopping of unlawful work.—Section 363.)

- (b) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission was based, or
- (c) is being carried on or has been completed in breach of any provision contained in this Act or in any rales or by-laws made thereunder, or of any direction or requisition lawfully given or made ander this Act or under such rales or by-laws, or
- (2) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of, or otherwise than in accordance with, any sanction granted under sections 330, 340 or 341, or
- (3) that any alterations required by any notice issued under rule 22 of Schedule XVII have not been duly made,

they may, after giving the owner of such building an opportunity of being heard, apply to a Magistrate, and such Magistrate may make an order directing that such erection, alteration, addition or other work, as the case may be, or so much thereof as has been executed nulawfully as mentioned in clauses (1), (2) or (3),

or that any structure, specified under the Explanation to clause (d) of rule 53, or the Explanation to clause (ir) of rule 81, of Schedulo XVII as a structure to be demolished or altered, shall—

- (i) be demolished by the owner thereof or altered by him in accordance with the order of the Magistrato to the satisfaction of the Corporation, as the case may require, or
- (ii) be demolished or altered by the Corporation at the expense of the said owner:

## Provided that the Magistrate-

(a) shall not make any order under this section without giving the owner and occupler of the building to be so demolfshed or altered full opportunity of adducing evidence and of being heard in his defence, and

- (Part V.-Chapter XXIII.-Demolition, alteration and stopping of unlawful work.-Section 364.)
  - tb) may make any such order notwithstanding the fact that a valuation of such building has been made by the Executive Officer under Chapter X for the assessment of the consolidated rate:

Provided that where the Corporation have instituted proceedings under section 493, no application

shall be made under this section.

(2) Notwithstanding anything contained in subsection (1), no proceedings shall be instituted thereunder in respect of any work which has been done more than five years before the institution of such proceedings:

Provided that the onus of proving that the work was done more than five years previously shall lie on

the owner.

364. (1) In any of the following cases, namely,-

Demolition of siteration of work in other cases.

- (t) if, within the period prescribed in any notice issued under section 299, sub-section (1), requiring the removal or alteration of a verandah, platform or other similar structure or a fixture, the same be not duly removed or altered, or
- (2) if the owner of any building erected or added to between a street alignment and the building-line fails to remove such building or addition when called upon by the Corporation to do so under section 303, sub-section (3), or
- (3) if any person who makes any additions to a building in pursuance of an agreement executed under the proviso to sub-section (1) of section 303, fails to remove such additions when called upon by the Corporation to do so, or
- (4) if the owner of any building erected or added to under the provisions of section 309 fails to remove sneb bnilding or addition when called upon to do so, or

(5) if the owner of any building, which is unfit for human habitation, fails to demolish such building when required to do so under

section 382, sub-section (2), or

(6) if any privy or urinal be placed in contravention of rule 21 or rule 22, sub-rule (1) of Schedule XV, or

[Ben. Act III

(Part V.—Chapter XXIII.—Demolition, alteration and stopping of unlawful work.—Section 364.)

- (7) if, within the period prescribed in any notice issued under rule 2, sub-rule (3), of Schedule XVI, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with, or
- (8) if, within the period prescribed in any notice issued under rule 2, sub-rule (6), of Schedule XVI, requiring the owner or occupier of a building to remove a versudal or other projection, the same be not duly removed, or
- (9) if, within the period prescribed in any notice issued under rule 7, snb-rule (2), of Schedule XVII, requiring the owner of a building to remove or after an external roof or wall made of inflammable material, the same be not duly removed or aftered, or
- (10) if any owners or occupiers neglect to execute any works or to take any measures required by any notice affixed under rule 6, sub-rule (1), of Schedule XVIII,

the Corperation may apply to a Magistrate, and such Magistrate may make an order directing that the projection, building, block of buildings, verandah, platform, fixture, additions, roof, wall, privy or arimal, as the case may be, shall—

- (a) be demolished by the owner thereof or altered by him to the satisfaction of the Corporation, or
- (b) be demolished or altered by the Corporation at the expense of such owner:

Provided that, before unking such application, the Corporation shall give the owner or occupier an opportunity of being heard on his behalf:

Provided also that the Magistrate-

(i) shall not make any order under this section without giving the owner and occupier of the structure to be sudemolished or altered full opportunity of adducing evidence and of being heard in his defence, and of 1923.1 .

(Part V.-Chapter XXIII.-Demolition, alteration and stopping of unlawful work.-Chapter XXIV. -Lighting and scavenging and regulation of public bathing and washing.—Sections 365, 366.)

(ii) may make any such order notwithstanding the fact that a valuation of such building has been made by the Executive Officer under Chapter X for the assessment of the consolidated rate:

Provided also that where the Cornoration have instituted proceedings under section 493, no application shall be made under this section.

(2) The provisions of snh-section (2) of section 363 shall apply, mutatis mutandis, to the institution of

proceedings under this section.

365. (I) In any case in which the erection of a new building, or any other work referred to in section 363, position to stop has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation of the carried on. may, by written notice, require the person carrying on such orection or other unlawful work to stop the same, pendiag the decision of a Magistrato on an application to be made to him under that section.

(2) If any notice issued under sub-section (1) is not duly complied with, the Corporation may, with the assistance of the police, if necessary, take such steps as they may decun needful in order to stop the conti-

nuance of the unlawful work.

(3) If it appears to the Corporation that it is necessary, in order to prevent the continuation of the unlawful work, to depute any police or municipal officer to watch the premiscs, they may require the person to whom the said notice was addressed to bear the cost of providing the same.

(4) Pending the decision of the Magistrate in accordance with sub-section (1), the Corporation may hear the person concerned and thereupon determine whether their order for stopping the work shall remain in force or shall be suspended until the Magistrate makes his decision.

CHAPTER XXIV.

LIGHTING AND SCAVENGING, AND REGULATION OF PUBLIC BATHING AND WASHING.

Lighting.

366. (1) The Corporation shall-

(a take measures for lighting, in a suitable streets, manner, the public streets, squares and gardens, mark

lighting of public

Power to Cor-

Ben. Act III

(Part V.—Chapter XXIII.—Demotition, alteration and stopping of unlawful work.—Section 364.)

- (7) if, within the period prescribed in any notice issued under rule 2, sub-rule (5), of Schedule XVI, requiring the owner or occupier of a building to comply with any condition on which the crection of any veraudah or other projection was permitted, such condition is not complied with or
- (8) if, within the period prescribed in any notice issued under rule 2, sub-rule (6), of Schedule XVI, requiring the owner or occupier of a building to remove a verandah or other projection, the same be not daly removed, or
- (9) if, within the period prescribed in any notice issued under rule 7, sub-rule (2), of Schedule XVII, requiring the owner of a building to remove or after an external roof or wall made of inflammable material, the same be not duly removed or aftered, or
- (10) if any owners or occupiers neglect to execute any works or to take any measures required by any notice affixed under rule 6, sub-rule (1), of Schedule XVIII.

the Corporation may apply to a Magistrate, and such Magistrate may make an order directing that the projection, building, block of buildings, verandah, platform, fixture, additions, roof, wall, privy or urinal, as the case may be, shall—

- (a) be demolished by the owner thereof or altered by him to the satisfaction of the Corporation, or
- (b) be demolished or altered by the Corporation at the expense of such owner:

Provided that, before making such application, the Corporation shall give the owner or occupier an opportunity of being heard on his behalf:

Provided also that the Magistrate-

(i) shall not make any order under this section without giving the owner and occupier of the structure to be so demolished or aftered full opportunity of adducing evidence and of being heard in his defence, and

(Part V.-Chapter XXIII.-Demolition, alteration and stopping of nulawful work.-Chapter XXIV. -Lighting and scarenging and regulation of public bathing and washing.—Sections 365, 366.)

(ii) may make any such order notwithstanding the fact that a valuation of such building has been made by the Executive Officer under Chanter X for the assessment of the consolidated rate:

Provided also that where the Corporation have instituted proceedings under section 493, no application shall be made under this section.

(2) The provisions of sub-section (2) of section 363 shall apply, mutatis mutandis, to the Institution of

proceedings under this section.

365. (1) In any case in which the erection of a new building, or any other work referred to in section 363, has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation may, hy written notice, require the person carrying on such erection or other unlawful work to stop the same, pending the decision of a Magistrate on an application to be made to him under that section,

(2) If any notice issued under sub-section (1) is not duly complied with, the Corporation may, with the assistance of the police, if necessary, take such steps as they may deem needful in order to stop the conti-

numee of the unlawful work.

(3) If it appears to the Corporation that it is necessary, in order to prevent the continuation of the unlawful work, to depute any police or municipal officer to watch the premises, they may require the person to whom the said notice was addressed to bear the cost of providing the same.

(4) Pending the decision of the Magistrate in accordance with sub-section (1), the Corporation may hear the person concerned and thereupon determine whether their order for stopping the work shall remain in force or shall be suspended until the Magistrate makes his decision.

#### CHAPTER XXIV.

LIGHTING AND SCAVENGING, AND REGULATION OF PUBLIC BATHING AND WASHING.

Lighting.

366. (1) The Corporation shall— (a take measures for lighting, in a suitable streets, squares,

manner, the public streets, squares and sand buildings.

lighting of public

Power to Cor-

[Ben. Act II

1X of 1010.

(Part V.-Chapter XXIV.-Lighting and scavenging, and regulation of public bathing and washing. -Sections 367, 368.)

> gardens and municipal markets and all buildings vested in the Corporation;

- (b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for such lighting; and
- (c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation may from time to time determine.
- (2) The Corporation may place and maintain-
  - (i) electric wires or gas-pipes for the purpose of lighting such lamps under, over, along or across any immovable property, and
- (ii) posts, poles, standards, stays, struts, brackets, tunnels, culverts or any other suitable contrivance for carrying, suspending, or supporting such lamps, gas-pipes or electric wires in or upon any immovable property:

Provided that such pipes, wires, posts, poles, standards, stays, struts, brackets, tunnels, culverts or other contrivance shall be so placed as to occasion as little damage, detriment, inconvenience or unisance to any person as the circumstances permit.

(3) Notwithstanding anything contained in the Indian Electricity Act, 1910, t not be liable except on the to any claim for compensat detriment, inconvenience or nuisance caused by them, or by any one employed by them, in the exercise of any of the powers conferred by subsection (2).

The Corporation, on the application of the owners of a private street, may onter into arrangements for the lighting of such street on such terms as may be agreed upon between them and such owners, and shall thereafter in respect of such street have all the powers conferred by section 366.

368. (1) Without the written permission of the Corporation-

(a) no private street shall be constructed, and (b) no building, wall or other structure shall be nowly crected,

over any gas-pipe belonging to the Corporation.

Provision for lighting of private street by Corporation on application of owner.

Streets, e.c., not to be constructed over municipal permission.

(Part V.—Chapter XXIV.—Lighting and scavenging, and regutation of public bathing and washing.-Sections 369-371.)

(2) If any private street be so constructed, or if any building, wall or structure be so erected, the Corporation may eause tho same to be removed or otherwise dealt with as they may think fit,

and the expenses incurred by the Corporation in so doing shall, in the discretion of the Corporation. be paid by the owner thereof or by the person

offending.

## Keeping of animals.

369. No person shall-

Prohibition as

(a) without the written permission of the Cor- mals poration, or otherwise than in conformity with the terms of such permission, keep any swine in any part of Calcutta;

(b) keep any animal on his premises so as to he a nuisance or dangelous; or

(c) feed any animal, or suffer or permit any animal to he fed or to feed, with or upon sewage or offensive matter.

370. Any swine found straying may he forthwith destroyed, and the carcasses thereof disposed of, stray saine. as the Executive Officer may direct; and no claim shall lie for compensation for any swine so destroyed.

Destruction of

#### Scavenging.

371. (1) The Corporation shall provide or problems appoint, in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of rubbish, offensive matter, or sewage and the carcasses of dead animals accumulated ways and care sawage and control of the carcasses of dead animals accumulated ways and care sawage and care to the carcasses of dead animals accumulated ways and care sawage and care to the care of ing in Calcutta:

Provided as follows-

(i) the said things shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sauction of the Corporation, or in any place or manner which the Local Government may disaflow;

(ii) the powers conferred by this section shall be exercised in such manner as to create the least practicable nuismee.

(2) Any land that may be required in a bustee for the temporary deposit of rubbish, offensive matter,

Ben. Act III

(Part V.-Chapter XXIV.-Lighting and scavenying, and regulation of public bathing and washing. -Section 372, 373.)

sewage or carcasses taken from land or buildings in such bustee shall be provided by the owner of the bustee.

(3) All things deposited in receptacles, depôts or places provided or appointed under this section shall

be the property of the Corporation ...

372. (1) The Corporation may, by public notice, temporary deposit direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of offensive matter by occupiers of Calcutta specified in the notice shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Corporation, to be provided by such occupier and kept near the entrance to, or, where open space is available, within, the premises.

(2) The Corporation may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in

force,

Collection and

of rubbish and

premises.

and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such

recentacle.

(3) The Corporation may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or subsection (2) is for the time being in force, shall be collected by the occupier of such premises deposited in lump in the street on which such premises abut or in some portion of such premises.

(4) In any notice issued under any of the foregoing sub-sections, the Corporation shall prescribe the hours within which rubbish and offensive matter shall be

deposited under this section.

373. Notwithstanding anything contained in Co'lection and 372, when building operations are being pf section and carried on in any premises, or when any premises matter are used for carrying on any manufacture, trade or business or build. business, the Corporation may,-

(a) by written notice, direct the occupier of such premises to collect all rubbish and offensive matter accumulating on such premises in

removal rubbish offensive accumulating in ing operations.

(Part V.-Chapter XXIV.-Lighting and scavenging, and regulation of public bathing and washing. -Sections 374-377.)

> the course of such operations, manufacture, trade or business and to remove the same, at such times, in such carts or receptucles, and by such routes as may be specified in the notice, to a public receptacle, depot or place provided or appointed under section 371 : or

(b) after giving such occupier written notice of their intention to do so, themselves cause all the rubbish and offensive matter to be removed, and charge the occupier for such removal such periodical fee as may be specified in the notice:

Provided that the requisition under clause (a) shall not be enforced by the Corporation, nor shall action be taken by them under clause (b), nutil the occupier of the premises has been given an opportunity of being heard within such time as may be specified in the written notice that is served on him.

374. The Corporation shall maintain an establish-ment for the removal of sewage from privies and for removal of urinals which are not connected with a sewer, and of the sevenging of offensive matter and rubbish from receptacles, denots and places provided or appointed under section 371, or under any by-law made under this Act, and for the daily cleansing and scavenging of streets and premises.

375. If in any case it is proved that rubbish, Presump offensive matter or sewage has been deposited in any place in contravention of any by-law made under this Act, from some land or building, it shall be presumed. unless and until the contrary is proved, that the offence has been committed by the occupier of the said land or building.

376. No mehter or other servant of the Corporation, who is employed to remove or otherwise deal given by metters, with sewage, offensive matter or rubbish, shall, drawing without the permission of the Corporation, withdraw from his duties without giving written notice. not less than one month previously, of his intention so to withdraw.

Presumption as

Notice to be etc. before with-

### Public bathing and washing.

The Corporation may from time to time-(a) construct suitable places for use by the battle rete public as swimming baths or for bathing,

[Ben. Act III '

(Part V.—Chapler XXIV.—Lighting and scavenying, and regulation of public bathing and washing.—Chapter XXV.—Municipal railways.— Section 378.)

or for washing animals, or for washing or drying clothes, and

(b) prohibit, by public notice, the use by the public, for any of the said purposes, of any place not so constructed.

## CHAPTER XXV.

## MUNICIPAL RAILWAYS.

Power to Corporation to construct, lease and OIII otherwise deal with railways.

378. With the previous sanction of the Governor General in Council, the Corporation may—

(a) upon any of the public streets in Calcutta, or upon any fand within or without Calcutta which is vested in the Corporation, construct or maintain any railway which may appear to them to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(b) use and employ upon any such railway locomotive engines or other motive power, and carriages and wagons to be drawn or

propolled thereby,

(c) carry and convey passengers and goods upon
any such railway.

(d) make such reasonable charges in respect of such passengers or goods as the Corporation may from time to time determine,

(e) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway within or without Calcutta,

(f) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as unty be mutually agreed upon, and

(g) lease any such railway to any person, upon such terms and under such conditions and restrictions us may be mutually agreed

unon.

(Part V.-Chapter XXV.-Municipal railways.-Chapter !XXVI.-Inspection and regulation of premises, and of factories, trades and places of public resort .- Sections 379-381.)

379. Any person to whom a milway is leased to leave of Conunder clause (g) of section 378 shall subject to the position with terms, conditions and restrictions of his lease, have the same powers for-

(i) maintaining the railway,

(ii) using and employing thereupon locomotive engines or other motive power carriages and wagons to be drawn or propelled thereby, and

(iii) carrying and conveying thereupon passengers and goods and making charges in respect

thercof.

as the Corporation would have had if the railway had not been so leased.

#### CHAPTER XXVI.

INSPECTION AND REGULATION OF PREMISES, AND OF FACTORIES, TRADES AND PLACES OF PUBLIC RESORT.

## Premises generally.

and buildings shall respectively be inspected, cleansed, regalation of secured, repaired, drained, or otherwise regulated in accordance with the rules contained in Schedule

XVIII.

381. (1) If, for any reason, any building or portion of a building intended for, or used as, a dwelling- case of buildings place appears to the Corporation to be unfit for human habitahuman habitation, they may require the owner or tion. occupier of such building to make such alterations as they think necessary in the building in order to make it fit for human habitation, if they consider that this can be done; but whether they think it can he made fit for human habitation or not, they may, in either case, after giving the owner or occupier an opportunity of being heard, apply to a Magistrate to prohibit the further use of such building or portion thereof for such purpose;

and the Magistrate shall serve a notice on such owner or occupier so as to give him an opportunity of being heard in the Conrt, and, after such inquiry as he thinks fit to make, may, by written order.

Procedure

Ben. Act III

(Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Sections 384, 385.)

Abatement of overcrowding in dwelling-house or dwelling-place.

384.. (1) If it comes to the knowledge of the Corporation from a statement received under section 383, or after an inspection made under rule 1 of Schedule XVIII, or in any other way, that a dwellinghouse, or a public building or but which is used as a dwelling-place, or any room in any such house, public building or hut, is so overcrowded as to endanger the health of the inmates thereof, they may require the owner to abate such overcrowding in the manner specified in such requisition. After giving the owner an opportunity of being heard in regard to such requisition, the Corporation may direct him within such time as they may fix to take such measures as they think fit to abate such overcrowding, owner fails to take such measures, the Corporation may apply to the Magistrate to abute such overcrowding.

The Magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within such time as the Magistrate may prescribe in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmutes of the building or room, or may pass such other order as he may deem just and proper.

Every such order shall be binding and operative on the owner as well as on the occupier, and every occupier shall, on the written requisition of the Corporation informing him of the order, be bound to vacate the same within such time as may be specified in such requisition.

(2) If the owner of any building or room referred to in sub-section (1) has sub-let the same, the land-lord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

Factories, trades and places of public resort.

Factory, etc., not to be newly established, etc., without permission of the Corporation.

385. (1) No person shall, without the previous written permission of the Corporation, newly establish in any premises, or materially alter, enlarge or extend, any factory, workshop or workplace in which it is intended to employ steam, electricity, water or other mechanical power.

(Part V.-Chapter XXVI.-Inspection and regulation of premises, and of factories, trades and places of public resort.—Section 386.)

(2) The Corporation may refuse to give such permission, if they are of opinion that the establishment, alteration, enlargement or extension of such factory, workshop or workplace in the proposed position would be objectionable by reason of the density ot the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

386. (1) No person shall use or permit to be used Premies not to any premises for any of the following purposes purposes without without or otherwise than in conformity with the a heense. terms of a license granted by the Corporation in this

behalf, namely.--

- (a) any of the purposes specified in Schedule XIX;
- (b) any purpose which is, in the opinion of the Corporation, dangerous to life, health or property, or likely to create a nuisance;
- (c) keening horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof: or
- (d) storing for other than his own domestic use or selling timber, firewood, charcoal, coal, coke, aslies, hav, grass, straw or any other combustible thing:

Provided that the Corporation may declare that premises in which the aggregate quantity of combustible articles stored for sale does not exceed such quantity as the Corporation may prescribe in respect of any such article shall be exempted from the operation of clause (d).

(2) In prescribing the terms of a license granted under this section for the use of premises as mills or iron yards or for similar purposes, the Corporation may, when they think it practicable, require the licensee to provide a space or passage within the curtilage of the premises for carts for loading and uuloading purposes.

(3) The Corporation shall fix a scale of fees to be paid in respect of premises ficensed under sub-section

Provided that no such fee shall exceed ave bundred rapees.

Ben. Act III

(Part V.-Chapter XXVI.-Inspection and regulation of premises, and of factories, trades and places of public resort.—Sections 387-389.)

Power to Corporation to preises in particular areas for purnoses referred section 386.

- 387. (1) The Corporation may give public notice ventuse of premoof their intention to declare that in any area specified in the notice no person shall use any premises for any to m of the purposes referred to in section 386, subsection (1), which may be specified in such notice.
  - (2) No objections to any such declaration shall be received after a period of one month from the publication of such notice.
  - (3) The Corporation shall consider all objections recoived within the said period, giving any person affected by the said notice an opportunity of being heard by them during such consideration, and may thereupon make a declaration in accordance with - the notice published under sub-section (1), with such modifications (if any) as they may think fit, but not so as to extend its application.
    - (4) Every such declaration shall be published in the Calcutta Gazette, and in such other manner as the Corporation may determine, and shall take effect from the date of such publication in the Calcutta Gazette.
    - (5) No person shall in any area specified in any such declaration use any premises for any of the said purposes.

Discontinuance of use of premises for particular purpose, when kept so as to be a nuisance.

Probibition of fonling of water in carrying on trade or manufacture.

388. Whenever a Magistrate imposes a fine on any person under section 488 for using or permitting the use of any premises for any purpose in contravention of section 386, sub-section (1), he may, if it is proved to his satisfaction that such premises are kept in such a state as to be a nuisance, also direct that they shall no longer be used for the said purpose.

389. (1) No person engaged in any trado or manufacture specified in Schedule XIX shall-

- (a) wilfully cause or suffer to flow or be brought into any tank, reservoir, cistern, well, finct or other place for the storage or accumulation of water belonging to the Corporation, or into any diain or pipe communicating therewith, any washing or other substance produced in the comse of such trade or maunfacture; or
- (b) wilfully do any act connected with any such trade or manufacture whereby the water in any such tank, reservoir, cistera, well, duct or other place is fouled or corrupted.

(Part V.-Chapter XXVI.-Inspection and regulation of premises, and of factories, trades and places of public resort.—Sections 390, 391.)

- (2) The Corporation may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade, by open and examine the said works, pipes or conduits.
- (3) If, upon such examination, it appears that subsection (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Corporation, in their discretion, may require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened.
- (4) If, upon such examination, it appears that there has been no contravention of sub-section (1), the said expenses and compensation for any damage occasioned by the said laying open and examination. shall be paid by the Corporation.

390. (1) No person shall, without or otherwise than in conformity with the terms of a liceuse granted without heense by the Corporation in this behalf, keep any eating- from Corporation house, tea-shop, hotel, boarding-house, bakery, agrated water factory, ice factory or other place where food is sold or prepared for sale :

Lating-houses,

Provided that the fee payable for any such license shall in no case exceed one rupce.

(2) The Corporation may at any time cancel or suspend any such license if they are of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or the provisions of any hy-law made under section 478. relating to such premises, whether the licensee is prosecuted under this Act or not.

than in conformity with the terms of a license cannot define the granted by the Corporation in this behalf, keep open of public amuse any theatre, circus or other timelers of the conformity with the conformity of the conformity 391. No person shall, without or otherwise any theatre, circus or other similar place of public ment. resort, recreation or amusement:

Provided that this section shall not apply to private performances in any such place.

Ben. Act III

(Part V.-Chapter XXVI.-Inspection and regulation of premises, and of factories, trades and places of public resort .- Sections 387-389.)

Power to Corporation to pre-

- 387. (1) The Corporation may give public notice ventuse of prem of their intention to declare that in any area specified ises in particular in the notice no person shall use any premises for any areas for purposes in the notice he person shart has the promise areas for purposes referred to in section 386, subsection (1), which may be specified in such notice.
  - (2) No objections to any such declaration shall be received after a period of one month from publication of such notice.
  - (3) The Corporation shall consider all objections received within the said period, giving any person affected by the said notice an opportunity of being heard by them during such consideration, and may thoreupon make a declaration in accordance with the notice published under sub-section (1), with such modifications (if any) as they may think fit but not so as to extend its application.
  - (4) Every such declaration shall be published in the Calcutta Gazette, and in such other manner as the Corporation may determine, and shall take effect from the date of such publication in the Calcutta Gazette.
  - (5) No person shall in any area specified in any such declaration uso any premises for any of the said purposes.

Discontinuance of use of premises for particular purpose, when kept so as to be a nulsance

Whenever a Magistrate imposes a fine on any person under section 488 for using or permitting the use of any premises for any purpose in contravention of section 386, sub-section (1), he may, if it is proved to his satisfaction that such premises are kept in such a state as to be a nuisance, also direct that they shall no longer be used for the said purpose.

389. (1) No person engaged in any trade or manufacture specified in Schedule XIX shall-

- Probibition of fouling of water in carrying on trade or manulacture
- (a) wilfully cause or suffer to flow or be brought into any tank, reservoir, eistern, well, duct or other place for the storage or accumulation of water belonging to the Corporation, or into any diain or pipe communicating therewith, any washing or other substance produced in the course of such trade or manufacture : or
- (b) wilfully do any act connected with any such trade or manufacture whereby the water in nny such tank, reservoir, cistern, well, duct or other place is fouled or carrupted.

(Part V.-Chapter XXVI.-Inspection and regulation of premises, and of factories, trades and places of public resort.—Sections 300, 391,)

- (2) The Corporation may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade, lay open and examine the said works, pipes or conduits.
- (3) If, upon such examination, it appears that subsection (1) has been contravened by terson of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Corporation, in their discretion, may require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works. pipes or conduits, or by the person who has the management or control thereof, or through whose noglect or fault the said sub-section has been contravened.
- (4) If, upon such examination, it appears that there has been no contravention of sub-section (1), the said expenses and compensation for mry damage occasioned by the said laying open and examination. shall be paid by the Corporation
- 390. (1) No person shall, without at otherwise than in conformity with the terms of a license granted without heense by the Corporation in this behalf, keep any enting- from Corporation house, tea-shop, hotel, boarding-house, takery, agrated water factory, ice factory or other place where food is sold or prepared to, sale:

Lating-Louses.

Provided that the fee payable for any such license shall m no case exceed one tupec

at any time cancel (2) The Corporation may or suspend any such license if they are of opinion that the premises covered thereby are not kept in conformity with the conditions of such becase or the provisions of any by-law made under section 178, relating to such premises, whether the licensee is prosecuted under the Act or not

391. No person shall, without or otherwise 391. No person shall, without or otherwise Leading and them in conformity with the terms of a livense decreased place. granted by the Corporation in this behalf, keep open of jobic amoseany theatre, circus or other similar place of public week resort, recreation or amusement .

Provided that this section shall not apply to private performances in any such place,

[Ben, Act III

(Part V.-Chapter XXVII.-Markets, bazars and slaughter-places.—Sections 392-395.)

## CHAPTER XXVII.

## MARKETS, BAZARS AND SLAUGHTER-PLACES.

Power to Cor-392. (1) The Corporation mayporation to provide and maintain

- (a) construct, purchase or take on lease any land or building for the purpose of establishing a new municipal market or a new municipal slaughter-house or municipal stock-yard, or of extending or improving any existing mudicipal market, municipal slaughter-house or municipal stock-yard, and
- (b) from time to time build and maintain such municipal markets, municipal slaughterhouses and municipal stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in, or frequenting, such markets, slaughterhouses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, and correct weights, scales and measures for weighing and measuring goods sold therein, as they may think fit.

municipal (2) Municipal slaughter-houses and stock-yards may be situated in or, with the sanction of the Local Government, without Calcutta.

393. The Corporation may at any time close Power to Corany municipal market, municipal slanghter-house or slaughter municipal stock-yard or any portion thereof; and the premises occupied for any market slaughter-house or stock-yard or portion so closed may be disposed of as

the property of the Cornoration.

394. (1) No person shall, without a license from Power to Corto the Corporation, sell or expose for sale any animal municipal mar or article in any municipal murket:

Provided that no fee shall be charged for such

license. (2) Any person contravening sub-section (1) may be summarily removed from such market by any

municipal officer or servant. 395. (1) The Corporation shall from time to time determine whether the establishment of new private new private mar- markets shall be permitted in Culcutta or in any specified portion thereof.

poration to close marmunicipal kets. houses and stock vards.

municipal mar-

kets, slaughterhouses and stock-

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icense vendors in kets.

Kelt.

Power to Corperation to per-

## (Part V.-Chapter XXVII.-Markets, bazars and slaughter-places.—Section 396.)

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Cornoration.

(3) When the establishment of a new private market has been so sanctioned, the Corporation shall cause a notice of such sanction to be affixed in the English, Bengali, Hindi and Urdn languages on some conspicuous spot on or near the building or place where such market is to be held.

396. (1) No person shall, without or otherwise rower to Corporation to the than in conformity with the terms of n license granted private markets,

by the Corporation in this behalf .-

·langi ter-honees and stock-yards.

- (a) keep open any private market, or wilfully or negligently permit any place to be used as a private market ;
- (b) use any place in Calentta as n slanghter-house or stock-yard, or for the slanghtering of nny animal intended for human food; or
- (c) use any place without Calcutta, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for linman food to be consumed in Calcutta:

### Provided as follows :-

- (1) the Corporation shall not refuse, suspend or enneel any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some by-law made under section 478, at the time in force:
- (ii) nothing in the foregoing provisions of this section shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or eeremony:
- (iii) nothing in the foregoing provisions of this section shall be deemed to prevent the Corporation from setting apart places for the sacrifice of animals in accordance with religious custom, and for the sale of the flesh thereof.
- (2) Every such license shall be renewable triennially on the certificate of the Health Officer.

[Ben. Act III

# (Part V.—Chapter XXVII.—Markels, bazars and slaughter-places.—Sections 397—399.)

- (3) There shall be paid for every license granted under sub-section (1) and in respect of every place set apart under proviso (iii) to that sub-section such annual lee as may be prescribed by the Corporation.
- (4) If any private market or any place set apart under proviso (iii) to sub-section (1) be closed for more than half of any year for which a fee has been paid, the Corporation may retund the whole or any portion of the fee so paid for that year.
- (5) When the Corporation have refused, suspended or cancelled any license to keep open a private market, they shall cause a notice of their having done so to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Power to Magistrate to close unauthorised private market

397. Whenever a Magistrate imposes a fine on any person under section 488 for keeping open a private market or permitting any place to be used as a private warket in contravention of section 396, subsection (1), he shall, on the application of the Corporation, but not otherwise, also direct that such market be closed and appoint persons, or take other steps, to prevent the place being used as a market.

398. No person shall use as a market any place in respect of which a direction has been given by a Magistrate under section 397.

399. The Corporation may, by written notice, require the owner or occupier of any private market, bazar, private slaughter-house or place set apart undor

proviso (iii) to sub-section (1) of section 396-

Power to Corporation to require paving and draining of private markets, etc., and to alter structures in such markets

Prohibition of nee of market so

closed

- (a) to cause the whole or any portion of the floor of the market-building, market-place, bazar, shughter-house or place set apart as aforesaid to be raised or paved with dressed stone or other suitable material.
- (b) to cause such drains to be made in or from the market-huilding, market-place, bazar, slaughter-house or place set apart as aforesaid, of such material, size and description, at such level, and with such outfall as to the Corporation may appear necessary, and
- (c) to cause any shop, stall, shed or other structure in any such private market to be aftered or improved in such manner as the Corporation may consider necessary.

(Part V.-Chapter XXVII.-Markets, bazars and staughter-places.—Sections 400, 401.)

## 400. (1) The Corporation may-

- (a) define or determine the limits of any limits of market private market or bazar, or declare what reviews and to require mortions of any limits of market and to require any mortions of any limits of market and to require any mortions of any limits of a portions of such market or bazar shall maintenance of market approachbe made part of the existing approaches, esete roads, passages and ways to and in such market or bazar, and,
- (b) after hearing the owner or occupier of such market or bazar, by written notice, require such owner or occupier to-
  - (i) lay out, construct, after, clear, widen, pave, drain and light, lo tion, such approaches, roads, passages and ways to and in such market or bazar.
  - (ii) provide such conveniences the use of persons resorting to such market or bazar, as the Corporation may think fit, and
  - (iii) provide adequate ventilation and lighting of the market huilding or any portion thereof, Including shops and stalls, to the satisfaction of the Corporation.
- 12. The Corporation, after heating the owner or occupier of any private market or bazar may, by written notice, require such owner or occupier to maintain in proper order the approaches, mask, passages and ways to and in such market or becar, and such other conveniences as are provided for the use of persons resorting thereto.
- (3) The Corporation shall cause a notice of the limits of any market or bazar, defined under subsection (I), to be allixed to the English, Bengali, Hindi and Unda languages on some conspicuous spot on or near the building or place where such market or begar

· held

Power to Corporation to define

(Part V.—Chapter XXVII.—Markets, bazars and slaughter-places.—Sections 402, 403.)

- (ii) for the right to expose goods for sale in a municipal market.
- (iii) for the use of machines, weights, scales and measures provided under clause (b) of sub-section (I) of section 392 for any municipal market, and
- (iv) for the right to slaughter animals in any municipal slaughterhouse, and for the feed of such animals before they are ready for slaughter.
- as may from time to time be fixed by them in this behalf; or,
- (b) farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for such period as they may think fit: or
- (c) put up to public auction, or dispose of hy private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market, municipal slaughterhouse or municipal stock-yard, for such period and on such conditions as they may think fit.
- By-laws and table of charges to be posted up in markets and slaughter-hon-cs.
- 402. (1) A printed copy of the by-laws made under section 478 and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under section 401, in the English, Bengali and Urdh languages, shall be affixed on some conspicuous spot in the market-building, market-place or slaughter-house.
  - (2) No person shall without lawful authority destroy, pull down, injure or deface any copy of any by-law or table so affixed.
- Power to Corporation to expel person contravening by-laws.
- 403. (1) The Corporation, after giving the parties concerned an opportunity of being hearl, may-
  - (a) expel from any municipal market, municipal slanghter-house or municipal stock-yand for such period as they may think fit, any person who or whose servant has been

(Part V.-Chapter XXVII.-Markets, bazars and slaughter-places.—Section 401.)

> convicted of contravening any by-law made under section 478, at the time in force in such market, slanghter-hnuse or stockvard.

- (b) prevent such person, hy himself or his servants, from further earrying on any trade or business in such market, slanghterhouse or stock-yard, or occupying any stall, shop, standing, shed, pen or other place therein, and
- (c) determine any lease or tenure which such person may have in any sneh stall, shop, standing, shed, pen or place.
- (2) If the tenant, or the agent of the tenant, of the owner or lessee of any private market or slaughterhouse has been convicted for contravening any by-law made under section 478 and specified by the Corporation in this hehalf, the Corporation may require such tenant or agent to remove himself from such market or slaughter-honse, within such time as may be mentioned in the requisition, and if he fails to comply with such requisition, he may, in addition to any penalty which may he imposed on him under this Act, he summarily removed from such premises hy the owner or lessee thereof or by the servants of such owner or lessee.
- (3) If it appears to the Corporation that in any such ease the owner or lessee is acting in collusion with a tenant or agent convicted as aforesaid who fails to comply with a requisition issued under sub-section (2), the Corporation may, if they think fit, cancel the license of such owner or lessee in respect of such premises.
- 404. Whenever an emergency arises which in Deposits or shops the opinion of the Corporation makes it advisable to for trading food-atofa. open depots or shops for the purpose of trading in etc. indeed of food-stuffs, fuel, cloth and other similar necessaries of life, they may, with the previous sanction of the Local Government and subject to such conditions and limitations as the Local Government may prescribe, open such depôts or shops for any such purpose.

(Part V.—Chapter XXVIII.—Food and Drugs.— Sections 405, 406.)

# CHAPTER XXVIII.

### FOOD AND DRUGS.

# Sale of food and drugs.

Licensing of butchers and of sale of meat, etc., outside market.

- **405.** (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf,—
  - (a) earry on in Calcutta, or at any municipal slaughter-house without Calcutta, the trade or business of a butcher; or
  - (b) sell or expose or hawk about for sale any four-footed animal, or any meat or fish intended for human consumption, in any place other than a municipal market or a private market.
- (2) Nothing in clause (b) of sub-section (1) shall apply—
  - (a) to the sale of meat or fish in any hotel or eating-house for consumption on the premises, or
  - (b) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to Calcutta after being caught at sea or in the river or in private fisheries.

Problemation of sile, etc., of a interacted or misbranded food or drags.

of 406. (1) No person shall directly or indirectly, of himself or by any other person on his behalf, sell, old expose or hawk about for sale, or manufacture or store for sale, any food or drug which is adulterated or misbranded:

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely,—

(a) where any matter or ingredient not injurious to health has been added to any article of food or to any drug because the same is required for the production or preparation thereof, as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or

### (Part V.—Chanler XXVIII.—Food and drugs.— Section 407)

- (b) where any article of food or any drug is unavoidably mixed with some extraneous matter in the process of collection or preparation; or
- (c) where a patent has been granted under any law for the time being in force in respect of any article of food, and the article is sold in the state required by the specification of the patent.
- (2) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed, hawked about for sale, or manufactured or stored for sale, by him.
- (3) In any prosecution nuder this section the Court shall, unless and nutil the contrary is proved, presume that any article of food or any drug found in the possession of a person who is in the habit of mannfacturing or storing like articles has been mannfactured or stored for sale by such person.

407. (1) No person shall directly or indirectly, each, himself or by any other person on his behalf, sell, certain expose or hawk about for sale, or manufacture or which are not store for sale, any of the following articles, namely.-

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(a) milk (other than condensed or desiccated milk in hermetically-closed recentacles).

(b) butter,

(c) ghee. (d) wheat flour,

(e) mustard oil.

(f) tea.

(a) edible oil or fat, and

(h) any other article of food or any drug which may be notified by the Local Government in that behalf.

unless the following conditions are fulfilled, namely,-

(i) in the case of milk (other than condensed or desicented milk in hermetically-closed receptacles)—

> the animal from which the milk is derived shall be distinctly stated in such manner as the Corporation may, by general or special order, require, and the article sold, exposed or hawked about for sale, or

(Part V.—Ghapter XXVIII.—Food and drugs.— Section 407.)

> stored for sale, as the case may be, shall be the natural secretion from the udder of such animal, from which no ingredient bas been extracted and to which no water or other substance (including any preservative) has been added, and shall not contain a less proportion of non-fatty solids and of fat than such as the Local Government may prescribe:

# (ii) in the case of butter-

it shall be exclusively derived from milk or cream (other than condensed or desiccated milk, or cream), or both, with or without salt or other preservative and with or without the addition of colouring matter, such preservative or colouring matter being of such a nature and in such quantity as not to rendor the article injurious to health, and shall fulfil such conditions as may be prescribed by the Local Government;

### (iii) in the case of ghee-

it shall contain only substances, other than curds, which are derived exclusively from the milk of cows or of buffaloes, and shall fulfil such conditions as may be prescribed by the Local Government;

(iv) in the case of wheat flour-

it shall not contain any substance which is not derived exclusively from wheat;

(v) in the case of mustard oil-

it shall be derived exclusively from mustard seed;

(vi) in the case of tea, it shall be the leaves and leaf buds of species of Thea, prepared by fermenting, drying and firing; it shall not contain any tea which has been in any measure deprived of its proper quality, strength or virtue by steeping, infusion, decoction or other means, or any foreign matter;

# (Part V.-Chapter XXVIII.-Food and drugs.-Section 408.)

- (vii) in the case of edible oil or fat, it must always cooform to the standard prescribed for the same, provided that if a declaration be made that it is not for human consumption, it is denatured in such a way that it can be easily detected by sight or smell; and
- (vii) in the ease of any food or drug notified by the Local Government under clause (h)-

it shall fulfil such conditions as may be prescribed by the Local Government to regard to such food or drug in soch notifleation.

(2) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, anything which is similar to any of the articles specified in clauses (a), (b), (c), (d), (e), (f) and (g) of sub-section (1), or to any article notified by the Local Government under clause (h) of that sub-section under a name which in any way resembles the name of such article.

(3) In any prosecution under this section it shall he no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed or hawked about for sale, or manufactured or stored for sale, by bim.

(4) In any prosecution noder this section the Court shall, noless and until the contrary is proved. presume that any of the articles specified in clauses (a). (b), (c), (d), (e), (f) and (g) of sub-section (1). or any article notified by the Local Government under clause (h) of that sub-section, found in the possession of a person who is in the liabit of manufacturing or storing like articles, has been manufactured or stored for sale by such person.

408. (1) Every maoufactory of mostard oil or other edible oils within Calcutta shall be registered manufactory. by the owner or the person in charge thereof in the Corporation office in soch manner as the Corporation may from time to time direct.

(2) Every owner or person in charge of a maonfactory of mustard oil or other edible oils, and every wholesale dealer in such substances, shall keep a register in the form prescribed by the Corporation.

Registration of

# (Part V.—Chapter XXVIII.—Food and drugs.— Sections 416—418.)

(2) No owner, occupier or keeper of any shop or place licensed under section 413 shall employ in such shop or place any person contravouing the provisions of sub-section (I):

Provided that this sub-section shall not apply to compounders or persons employed by practitioners of

indigenous medicines.

(3) If any person contravenes the provisions of sub-section (2), the Magistrate by whom he is tried may cancel the license granted to him under section 413, sub-section (1).

Saving as to practitioners of indigenous medicines. 416. Nothing in section 414 or section 415 shall apply to the sale of drugs used by practitioners of indigenous medicines when such drugs are not sold in a shop or place where medicines are dispensed upon prescription.

# Inspection, seizure and destruction of food and drugs.

Power to Health Officer to inspect place where unlawful slaughter of animals or sale of flesh is suspected

417. If the Health Officer, or any person authorized by him in this behalf, has reason to believe that any animal intended for human consumption is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under this Act, he may, at any time by day or by night, without notice, in-pect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or by-law made under this Act, at the time in force, is being contravened thereat.

Corporation to provide for interestion of interest, exposed for

raie.

418. (1) The Corporation shall make provision for the constant and vigilant inspection of all animals, food and drugs intended for human consumption which are in course of transit or are exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

and shall also make similar provision for the inspection, during the process of manufacture, of any

such food or drug.

(2) If, as a result of such inspection as is provided for in sub-section (1), a prosecution is instituted under this chapter, then the burden of proving that any such animal. Food or drug was not exposed or hawked about or deposited or brought for sale or for preparation for sale, or was not intended for

## (Part V.—Chapter XXVIII.—Food and drugs.— Sections 419, 420.)

human consumption, shall rest with the party

charged.

419. (1) The Health Officer, or any person authorized by him in this behalf, may, at any time by animals, day or by night, inspect and examine any animal, which are food, or drug referred to in section 418 and any ntensil or vessel used for preparing, manufacturing or con-

taining any such food or drug.

(2) If any such animal appears to the Health Officer, or a person authorized as afcresaid, to bo diseased, or if any such food or drug appears to him to be unsound, unwholesome, or unfit for human food or for medicine, as the case may be, or to be adulterated, or if any such utensil or vessel is of such kind or in such state as to render any food or drng prepared, manufactured, or contained therein unwholesome or unfit for human food, or for medicine. as the case may be.

he may seizo and carry away such animal, food, drug, utensil, or vessel, in order that the same may be dealt with as hereinafter in this chapter provided.

Explanation-(1) Meat subjected to the process of blowing shall be deemed to be unfit for human food.

(2) A vessel made of any correspondental or material, notified in this behalf by the Local Government as dangerous to health, which is used for the preparation of liquid tex for sale shall be deemed to be of the kind referred to in this sub-section.

(3) The Health Officer, or a person authorized as aforesaid, may, instead of earrying away any animal, food, drug, ntensil, or vessel seized under sub-section (2), leave the same in such safe custody as he thinks fit in order that the same may be dealt with as hereinafter in this chapter provided; and no person shall remove such animal, food, drug, utensil, or vessel from such custody or interfere or tamper with the same in any way while so detained.

420. (1) When any animal, food, drug, atensil, or vessel is seized under section 419, it may, with sirely the consent of the owner or the person in whose ection to possession it was found, be forthwith destroyed; or,

if such consent be not obtained, then, if any food or drug so seized is of a perishable nature, and is, in the opinion of the Executive Officer, the Health Officer, an Assistant or District Health Officer or any Conneillor or Alderman, unsound, unwholesome or unfit for human food or medicine, it may likewise be destroyed.

Power to Health Officer to seize which are

Destruction of etc.

# (Part V .- Chapter XXVIII .- Food and drugs .--Sections 416-418.)

(2) No owner, occupier or keeper of any shop or place licensed under section 413 shall employ in such shop or place any person contravening the provisions of sub-section (1):

Provided that this sub-section shall not apply to compounders or persons employed by practitioners of

indigenous medicines.

(3) If any person contravenes the provisions of sub-section (2), the Magistrate by whom he is tried may cancel the license granted to him under section 413, sub-section (1).

Saving as to practitioners indigenous medicines.

416. Nothing in section 414 or section 415 shall apply to the sale of drugs used by practitioners of indigenous medicines when such drugs are not sold in a shop or place where medicines are dispensed upon prescription.

Inspection, seizure and destruction of food and drugs.

Power to Health Officer to inspect place where un-lawful slaughter of animals or sale of flesh is suspected.

417. If the Health Officer, or any person author rized by him in this behalf, has reason to believe that any animal intended for human consumption is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under this Act, he may, at any time by day or by night, without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or by-law made under this Act, at the time in

Corporation to provide to inspecsale.

force, is being contravened thereat. 418. (1) The Corporation shall make provision for the constant and vigilant inspection of all animals, tion of unimals, for the constant and vignant traspection of all attitudes, etc, exposed for food and drugs intended for human consamption which are in course of transit or are exposed er hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

and shall also make similar provision for the inspection, during the process of manufacture, of any

such food or drng.

(2) If, as a result of such inspection as is provided for in sub-section (1), a prosecution is instituted under this chapter, then the buiden of proving that any such animal, food or drug was not exposed or hawked about or deposited or brought for sale or for preparation for sale, or was not intended for

(Part V.-Chapter XXVIII.-Food and drugs.-Sections 419, 420.)

human consumption, shall rest with the party charged.

419. (1) The Health Officer, or any person authorized by him in this behalf, may, at any time by animals, etc. day or by night, inspect and examine any animals, which are discovered by the state of the control of the 419. (1) The Health Officer, or any person autho- Power to Health food, or drug referred to in section 418 and any utensil or vessel used for preparing, manufacturing or con-

taining any such food or drug.

(2) If any such animal appears to the Health Officer, or a person authorized as afcresaid, to be diseased, or if any such food or drug appears to him to be unsound, unwholesome, or unlit for human food or for medicine, as the case may be, or to be adulterated, or if any such utensil or vessel is of such kind or in such state as to render any food or drug prepared, manufactured, or contained therein unwholesome or unfit for human food, or for medicine. as the case may be,

he may seize and carry away such animal, food, drag, utensil, or vessel, in order that the same may be dealt with as hereinafter in this chapter provided.

Explanation-(1) Meat subjected to the process of blowing shall be deemed to be unfit for human food.

(2) A vessel made of any correspondent or material, notified in this behalf by the Local Government as dangerous to health, which is used for the preparation of liquid tex for sale shall be deemed to be of the kind referred to in this sub-section.

(3) The Health Officer, or a person authorized as aforesaid, may, instead of carrying away any animal, food, drug, utensil, or vessel seized under sub-section (2), leave the same in such safe custody as he thinks fit in order that the same may be dealt with as hereinafter in this chapter provided; and no person shall remove such animal, food, drug, utensil, or vessel from such custody or interfere or tumper with the same in any way while so detained.

420. (1) When any animal, food, drug, utensil, or vessol is seized under section 419, it may, with seized the consent of the owner or the person in whose section 419 possession it was found, be forthwith destroyed; or,

if such consent be not obtained, then, if any food or drug so seized is of a perishable nature, and is, in the opinion of the Executive Officer, the Health Officer, an Assistant or District Health Officer or any Councillor or Alderman, unsound, unwholesome or unfit for human food or medicine, it may likewise be destroyed.

Destruction of animals, etc.

# (Part V.—Chapter XXVIII.—Food and drugs.— Sections 421, 422.)

(2) The expenses incurred in taking any action under sub-section (1) shall be paid by the person in whose possession such animal, food, drug, ntensil, or vessel was at the time of its seizure.

Taking before Magistrate animals, etc., served under section 419. 421. (1) Any animal, food, drug, utensil, or vessel seized under section 419 which is not destroyed in pursuance of section 420 shall, subject to the provisions of section 419, sub-section (3), be taken before a Magistrate as sonn as may be after such seizure.

(2) It it appears to the Magistrate that any such animal is diseased, or that any such food or drug is unsound, unwholesome, or unfit for buman food, or for medicine, as the case may be, or is adulterated or that any such attensit or vessel is of such kind or in such state as is mentioned in section 419, sub-section (2), or is used for preparing, manufacturing or containing such food or drug, he shall cause the same to be destroyed, at the expense of the person in whose possession it was at the time of its scizure or to be otherwise disposed of by the Corporation so as not to be capable of being used as human food or medicine.

(3) If it appears to the Magistrate that any such animal is not diseased or that any such food or drug is not unsound, inwholesome, or unfit for human food, or for medicine, as the case may be, or is not adulterated, or that any such utensil or vessel is not used for preparing, manufacturing, or containing the same, the person from whose shop or place the animal food, drug, utensil, or vessel was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which he has austained, as the Magistrate may think proper.

# Analysis of food and drugs.

Power to Local Government to declare normal constituents of any article of food or drug.

422. The Local Government may declare the normal constituents of any article of food or any drug and may determine, by rules in this behalf, what deficiency in any of these constituents, or what addition of extraneous matter or proportion of water in a sample of any article of food or drug, shall, for the purposes of this Act, raise a presumption until the contrary is proved that the article of food or drug is not genuine or is injurious to health; and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act.

### (Part V.-Chapter XXVIII.-Food and drugs.-Sections 423, 424.)

423. Any purchaser of an article of food or drug Power of purshall be entitled, on payment of such fee as the article of food Corporation may prescribe, to have such article or drug analysed. analysed by a public analyst and in receive from him a certificate in the form prescribed in Schedule XX to this Act, of the result of his analysis.

424. (1) If the Health Officer, or any person anthorized by him in this behalf, requires the sale to Officer for purpose him of any food or drug exposed or intended for sale. of analysis and tenders the price for a quantity not more than is reasonably requisito for division and disposal under sub-sections (4) and (5), any person in possession of or exposing the same for sale shall be bound to sell such quantity.

Compulsory sale to Health

(2) The Health Officer, or any person authorized by him in this behalf, may require, on tendering the price for it, the sale to him during the process of manufacture, of any quantity of-

- (i) any food, or
- (ii) any drug, or
- (iii) any ingredients used in the manufacture of any food or drug,

not being more than is reasonably requisite for division and disposal under sub-section (1) and subsection (5), and any person in possession of the said food, drug or ingredients shall be bound to sell such

quantity.

(3) The Health Officer, or any person authorized by him in this behalf, may likewise require the surrender to himself, for the purpose of analysis, of such ounntity as is reasonably requisite for such process, of any food which is in comso of transit in Calentta or stored in any place in Calcutta for sale as an article for human consumption, and any person in possession of the same shall be bound to surrender such quantity :

and in every such case the price of the food so surrendered shall be payable by the Health Officer or by the person authorized by him, to the owner of the same, if claimed by such owner within one month

from the date of the said surrender.

(4) When any sale under sub-section (1) or subsection (2) is completed, or when any food is surrendered under sub-section (3), the Health Officer, or the person authorized by him in this behalf, or any purchaser who wishes in have an article of food

(Part V .- Chapter XXVIII .- Food and drugs .-Sections 425, 426.)

analysed under section 423 shall forthwith notify to the seller, or his agent selling the article or the person in possession thereof, as the case may be, his intention to have the same analysed, and shall divide the article into three parts, to be then and there separated, and each part to be marked and sealed or fastened up in any manner which its nature will permit.

(5) The Health Officer, or the person authorized by him in this behalf, or the purchaser referred to in sub-section (4) shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to a public analyst.

- Duty of public analysis to supply of food has been submitted for analysis under this certificate of of food has been submitted for analysis under this 425. (1) Every public analyst to whom any article certificate in the form prescribed in Schedule XX to this Act, specifying the result of his analysis, and shall send a copy of the same to the Health Officer.
  - (2) Any document purporting to be such cortificate signed by a public analyst shall be sufficient ovidence in any inquiry, trial or proceeding under this Act of the result of such analysis:

Provided that any Court before which a case may be pending under this Act, whether exercising original, appellate, or revisional jurisdiction, may, of its own motion, or at the request either of the accused or the complainant, cause any article of food to be sent for analysis to the Director of Public Health, any other officer whom the Local Bengal, or Government may appoint in this behalf, who shall thereupon analyse the same and report the result of such analysis to the said Court, and the said report shall be admissible in evidence in such Court. The expense of such analysis shall be paid by the accused or the complainant, as the Court may, by order, direct.

Vesting of condemned food or drug in Corporation.

426. When any authority directs, in exercise of Pool anddrug. 426. When any attendrity threets, in extraction directed to be any powers conferred by this chapter, the destruction destroyed, etc., to of new food or any days, or the disposal of the of of any food or any drug, or the disposal of the be property Corporation. same so as to prevent its being used as food or medicine, the same shall thereupon be deemed to be the property of the Corporation.

(Part V.-Chapter XXIX.-Milk-supply.-Sections 427, 428.)

### CHAPTER XXIX.

### MILK-SUPPLY.

427. In addition to the other powers and duties conferred or imposed on them by or under this Act tion.

Special powers to the Corporation. Corporation, in their discretion, may-

- (i) establish, furnish, and maintain municipal dairies, grazing grounds, cattle-sheds and cow-houses either within or without Calcutta:
- (ii) subject to such terms and conditions as the Corporation may think fit to impose, subsidize by such means as they may consider proper or guarantee the payment from the funds at their disposal of such sums as they may think fit, by way of interest on the capital expended, on the establishment, extension, maintenance, equipment or furnishing of privately owned grazing grounds or private dairies either within or without Calcutta :
- (iii) provide or assist in the provision of, facilities for and in connection with, the transport of milk and other dairy produce to Calentia from any municipal of private dairy:
  - (iv) purchase, maintain, or dispose of stud-bulls and take such other measures as may appear to the Corporation to be desirable with a view to improving the local breed of cattle; and
  - furnish, and maintain depôt (v) establish. or stores for the sale of milk and other dairy produce from municipal and other dairies.

428. (1) No person shall, without or otherwise dairyman than in conformity with the terms of a license granted by the Corporation in that behalf,-

- (a) carry on in Calcutta the trade or business of a dairyman; or
- (b) use any place in Calcutta for the sale of milk

(Part V.—Chapter XXIX.—Milk-supply.—Sections 429—431.)

(2) Nothing in sub-section (I) shall apply to the sale of milk in any hotel or eating-house for consumption on the premises.

Corporation to be satisfied as to the ranitary condition of dames before granting license under section 428.

- 429. No person shall be licensed under section 428, sub-section (1), unless the Corporation, after due inquiry, are satisfied that the milk is obtained by him trom a dairy, whether within or without Calcutta, in which the provisions for the ventilation, including air-space, and the cleansing, drainage and water-supply are such as in the opinion of the Corporation are necessary or proper—
  - (a) for the health and good condition of the milcheattle therein.
  - (b) for the eleantiness of milk vessels used therein for containing milk for sale, and
  - (c) for the protection of the mills against infection or contuniuation.

Power to require darrymen to furnish list of sources of supply

430. If the Health Officer has reason to believe that any person in Calcutta is suffering or is likely to suffer from a daugerous disease attributable to milk supplied in Calcutta from any dairy situated within or without Calcutta, or that the consumption of milk from such place is likely to cause any person in Calcutta to suffer from a dangerous disease, the Health Officer may require the person supplying the milk to furnish, within a reasonable time to be fixed by the Health Officer, a complete list of all dairies from which that person's supply of milk is derived or has been derived during the last six weeks, and, if the supply or any part of it is obtained through any other person, may make a similar requisition upon him; and every person on whom any such requisition is made shall comply therewith.

Inspection of dantes and prohibition of milk-supply 431. (1) The Health Officer may inspect, with a qualified Veterinary Surgeon, any dairy referred to in section 130, and the mitch-cattle therein, and if, on such inspection, the Health Officer is of opinion that the dangerons disease is caused or is likely to be caused from consumption of the milk supplied therefrom, he may make an order prohibiting the supply of any milk for human consumption from such darry.

(2) As order made by the Health Officer under subsection (I) shall be forthwith withdrawn on his being satisfied that the milk-supply has been changed or that the cause of infection has been removed.

(3) When an order is made under sub-section (1) or is withdrawn under sub-section (2) in respect of a

of 1923,j

(Part V.-Chapter XXIX.-Milk-supply, -Sections 432, 433.)

dairy situated ontside Calentta, the Health Officer shall also inform the local anthority within whose

inrisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may direct such milk to be boiled and permit it to be sold or used under such reasonable restrictions as he may prescribe in this behalf for food of animals, or he may cause the milk to be destroyed.

(5) No person shall sell or supply any milk in

contravention of the provisions of this section.

(6) No dairyman shall be liable to an action for breach of contract if the breach be due to an order

passed under this section.

432. (1) If, on an inspection referred to in Power to serve section 431, sub-section (1), the Health Officer is of cattle to veteriopinion that any mileli-cattle in such dairy are nary hospital for suffering from a disease which is likely to cause any person consuming the milk to suffer from a dangerous disease, he may cause any such animal to be seized and may send it to a veterinary hospital for treatment.

(2) When any such unimal has been sent to a veterinary hospital under sub-section (1), it shall be

detained there until, in the opinion of the officer in charge of the hospital, it is enred.

(3) The cost of the treatment, feeding and watering of the animal in the hospital may be realized from the owner of the animal according to such scale of rates as the Corporation may, from time to time, prescribe.

- (4) If the owner refuses or neglects to pay such cost or to remove the animal within such time as the officer in charge of the hospital may prescribe, that ollicer may direct the animal to be sold and the proceeds of the sale to be applied to the payment of such cost.
- (5) The surplus, if any, of the sale-proceeds shall be held in deposit by the Corporation, and shall, on application to be made by the owner within six months after the date of sale, be paid to him.
- 433. Every person licensed under section 428, Licenses sub-section (1), Shall notify to the Health Officer all disease entire cases of dangerous disease among persons engaged engaged in, or in connection with the dairy, whether dairies within or without Calentta, from which he obtains his supply of milk for sale in Calcutta, as soon as he ceomes aware or has reason to suspect that such ungerous disease exists.

Power to seize

(Part V.-Chapter XXIX.-Milk-supply,-Chapter XXX.—Restraint of infection.—Sections 434—438.)

Application of section 507 to an entry to inspect dairy.

434. The provisions of section 507 shall be applicable to an entry to inspect a dairy, whether within or without Calcutta, from which any milk is obtained for sale in Calcutta, for the purposes of this

### CHAPTER XXX.

### RESTRAINT OF INFECTION.

Medical practitioners to give information of existence of dangerous disease

435. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any dangerous disease in any private or public dwelling-house, other than a public hospital, shall give information of the same with the least practicable delay to the Health Officer in such form and with such details as the Health Officer may, from time to time, require.

Power Health Officer to and take measures to prevent spread of dangerous duease

The Health Officer, or any other municipal officer authorized by him in this behalf, may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of the said disease beyond such place.

Prohibition of use, for drinking other cause dangerous disease

- 437. (1) If it appears to the Health Officer that the water in any well, tank or other place is likely, domestic purpose, if used for the purpose of drinking or for any other of water likely to domestic purpose to according to domestic purpose to domestic purpose, to eogender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for such purpose.
  - (2) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

Power Health Officer to remove patient to certain cases.

438. (1) When, in the opinion of the Health Officer, any person is suffering from a dangerous in disease and is also without proper lodging or accoumodation or is lodged in such a manuer that he cannot be effectually isoluted so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at from such disease are which patients suffering

(Part Y .- Chapter XXX .- Restraint of infection:-Section 439.)

received for medical treatment, he may, with the approval of the Excentive Officer, direct or cause the removal of such person to such hospital or place:

Provided that all costs incurred for the removal and in the treatment of any such patient may be

borne by the Cornoration:

Provided also that, if any such person is a female, she shall not be removed to any such hospital or place nuless the same has accommodation for females, of a enitable kind, and set abart from the portion assigned to males.

(2) The person (if any) who has charge of a person in respect of whom an order is made under

sub-section (i) shall obey such order.

(3) If any female who, according to the custom of the country, does not appear in public, be removed to any hospital or place under sub-section (1)-

(a) the removal shall be effected in such a way as

to preserve her privacy:

(b) special accommodation suited to such enstone shall be provided for her in such hospital or place:

(c) she shall be treated therein by female agency

only: aml

(d) her female relatives shall be allowed to remain with her.

439. (1) If the Health Officer, or any municipal Power to Health officer authorized by him in this behalf, is of opinion officer authorized by him in this behalf, is of opinion building, tank, that the cleansing or disinfecting of any building or pool or well. any part of a building, or of any article therein which is likely to retain infection, or of any tank, pool or well . adjacent to a building, would tend to prevent or check the spread c' may cleanse or disinfect st tank, nool or well and me re the occupier of such building or any part thereof to vacate the

same for such time as may be prescribed in such notice.

(2) The cost of cleansing or disinfecting any building or part thereof, or any article therein, under subsection (1), shall be paid by the occupior of such building and the cost of cleansing or disinfecting any tank, pool or well, under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well, or if there be no such person, by the owner thereof:

Provided that if, in the opinion of the Corporation, the owner or occupier is from poverty unable to pay

[Ben, Act III

(Part V.—Chapter XXX.—Restraint of infection.— Sections 440—442.)

the said cost, the Corporation may direct payment thereof to be made from the Municipal Fund.

Power to Heilth Officer to destroy buts and sheds

- 440. (1) If the Health Officer is of opinion that the destruction of any lint or shed is necessary to prevent the spread of any dangerous disease, he may, alter giving to the owner or occupier of such litt or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hit or shed and all the materials thereof destroyed.
- (2) Compensation not exceeding the value of the hut shall be paid by the Corporation to any person who sastains loss by the destruction of any such lut or shed; but except as so allowed by the Corporation, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (1).

Infected building not to be let without heing dist disinfected.

- 441. No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease.—
  - (a) unless the Health Officer has disinfected the same and has granted a certificate to that effect, and
  - (b) until a date specified in such certificate as that on which the building or part may be occupied without eausing risk of infection.

Explanation.—For the purposes of this section the keeper of an hotel or ann shall be deemed to let part of her building to any person accommodated therein.

Provision of place-ford-sinfection, washing or destruction of infected articles, and power to itealth Officer to disinfect or destroy such attrices

of 442. (1) The Corporation may provide a place or places, with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding for or other articles which have become infected; and when any articles have been brought to any such see place for disinfection, may cause them to be disinfected for either—

(a) free of charge; or,

- (b) in their discretion, on payment of such fees as they may from time to time fix in this behalf.
- (2) The Corporation may from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any

### (Part V.—Chapter XXX.—Restraint of infection.— Sections 443, 444.)

dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

- (3) The Health Ollicer, or any person anthorized by him in this behalf, may disinfect or destroy, or, by written notice, direct the disinfection or destruction of any clothing, bedding or other articles likely to relain infection.
- (4) The Corporation shall pay such compensation as may appear to them reasonable for any article destroyed under sub-section (3), and their decision shall be final.
  - 443. (1) No person shall, without previous Infected article disinfection of the same, give, lend, sell, transmit, or suited, etc otherwise dispose of any article which he knows or disinfection has reason to know has been exposed to infection from any dangerous disease.

(2) Nothing In sub-section (1) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

444. (1) No person who is suffering from a Restrictions of dangerous disease shall enter, or cause or permit theory death-old. himself to be carried in, a public conveyance, in public convey nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead-body of any person who has died from such disease to be carried in a public conveyance without-

- (a) previously notifying to the owner, driver, or person in charge of such conveyance that be is so suffering, and
- (b) taking proper precautions against spreading such disease.
- (2) Notwithstanding anything contained in any emetment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid or any such dead-body in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

# (Part V.—Chapter XXX.—Restraint of infection.— Sections 445—447.)

(3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead-body in contravention of sub-section (1).

Disinfection of public conveyance after carriage of patient or deadbody.

- 445. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease or the dead-body of any person who has died from such disease has been carried shall immediately take the conveyance for disinfection to a place appointed under section 442. sub-section (1).
- (2) The person in charge of such place shall forthwith intimate to the Health Officer the number of the conveyance and proceed to disinfect the conveyance.
- (3) No such conveyance shall be used until the Health Officer has granted a certificate stating that it may be used without causing risk of infection.

Power to Corporation to provide special conveyances for patient or dead-body.

- 446. (1) The Corporation may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or of the dead-bodies of persons who have died from any such disease.
- (2) When such conveyances have been provided, it shall not be lawful, without the sanction of the Health Officer, to carry any such person or dead-body in, or for any such person to cause himself to be carried in, any other public conveyance.

Power to Corporation to take special measures on outbreak of dangerous disease or infectious epizootic disease.

- 447. In the event of Calcutta being at any time visited or threatened with an ontbreak of any dangerous disease, or in the ovent of any infectious epizootic disease breaking out or being likely to be introduced into Calcutta, the Corporation, if they consider that the other provisions of this Act or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the Local Government,—
  - (a) take such special measures, and,
  - (b) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons,

us they may deem necessary to prevent the outbreak of such discusses or the spread thereof.

(Part V.-Chapter XXXI.-Registration of births and deaths and disposal of the dead .- Sections 448-450.)

#### CHAPTER XXXI.

### REGISTRATION OF BIRTHS AND DEATHS AND DISPOSAL OF THE DEAD.

### Registration of births and deaths.

(1) The Health Officer shall be chief regis- Appointment of registrare and subtrar of Calcutta and shall keep, in such form as may registrare, and list from time to time be prescribed by the Local Govern- of same. ment, a register of all births and deaths occurring in Calcutta.

(2) The Corporation shall, for the purposes of this chapter, divide Calcutta into such and so many districts as they may think fit, and shall appoint a person to be registrar of births and deaths for each such district.

(3) On the occurrence of any dangerous disease, the Corporation may appoint as many additional registrars

as they may think necessary.

(4) The Corporation shall appoint a sub-registrar for each registered burial or hurning ground or other place for the disposal of the dead, to register all cornses brought thereto for interment or cremation or for disposal otherwise:

Provided that it shall be competent to the Corporation to appoint the same sub-registrar for more than one such burial or burning ground or other

place.

- (5) The Corporation shall cause to be printed and published a list containing the name and address of every registrar and sub-registrar appointed nuder this section.
- 449. The Corporation shall cause to be prepared and printed a sufficient number of register-books in such form as may from time to time be prescribed by them, for making entries of all births and deaths occurring in Calcutta.

450. A registrar shall inform himself of every birth and death occurring in his district, and shall ascertain and register, as soon as conveniently may be buths and deaths after the event, and without fee or reward, the partienlars prescribed in Schedule XXI or Schedule XXII, as the case may be, in respect of every birth or death which has not been already registered.

Keumter-books.

Registrar to inform himself of,

(Part V.—Chapter X.V.V.I.—Registration of births and deaths and disposal of the dead.—Sections 451, 452.)

information of birth by whom to be given.

451. It shall be the duty of the father or mother of every child born in Calcutta and, in default of the father or mother, of any relation of the child living in the same premises, and in default of such relation, of the person having charge of the child, to give, to the hest of his knowledge and belief, to the registrar of the district within eight days after such birth, information of the several particulars prescribed in Schedule XXI:

Provided that if any one of the persons hereinbefore referred to gives the said information, no other

person shall be bound to give it:

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give unformation under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case even the register the gentler with the mether.

Information of death by whom to be given

sign the register together with the mother. 452. It shall be the duty of the rearest relatives present at the time of the death or in attendance during the last illness of any person dying in Calcutta, and in default of such relatives, of each person present or in attendance at the time of the death, and of the occupies of the premises in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person eansing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the registrar of the district, or to the subregistrar of the burial or burning ground or other place for the disposal of the dead where the hody is buried or hurnt or otherwise disposed of, information of the several particulars prescribed in Schedule XXII:

Provided that if any of the persons hereinbefore referred to gives the said information, no other person

shall be bound to give it:

Provided also that if the death occurs in a hospital, none of the said persons shall be bound to give such information, but it shall be the fluty of the medical officer in charge of the hospital, within twelve hours after the death, to send to the Realth Officer a written notice containing the several particulars prescribed in Schedule XXII.

(Part V.-Chapter XXXI.-Registration of births and deaths and disposal of the dead,-Sections 453-457.)

453. Any medical practitioner in attendance during the last illness of any person dying in Calentta Feath Officer shall, within three days of his becoming cognizant in nation the course of such attendance of the death of such person, send a written notice to the Health Officer, as nearly as may be in the form prescribed in Schedule XXII, stating, to the best of his judgment, the cause of death.

Medical tractistatueg cause of death

454. It shall be the duty of the potice to convey every nuclaimed corpse to a burial or hurning ground with locale to or other place for the disposal of the dead, or to a duly appointed mortuary, and thereafter to inform the registrar of the district in which such corpse was found.

Duties of police unclaimed em tires.

455. A sexton or keeper of a burial or burning ground ar other place for the disposal of the dead, copper whether situated in Calcutta or not, shall not bury. hurn or otherwise dispose of, or allow to be buried or burnt or otherwise disposed of, the corpse of any nerson who has died in Calcutta unless such corpse is accompanied by a certificate, in the form prescribed by Schedule XXII signed by a registrar or sub-registrar appointed under section 418 or by a registered medical practitioner or any other medical authorized in this behalf by the Local Government :

Sestous, ant to bury, ele . certifica e

Provided that, at any burial or burning ground or other place for the disposal of the dead where there is a sub-registrar approved in this behalf by the Corporation who keeps a register in the form prescribed by the said schedule, an entry in such register relating to the deceased shall be deemed sufficient.

456. The Local Government may make cules-

l'ower to Local Government

- (a) prescribing the qualifications to be required make rules in persons appointed to be registrats or sub-registrars under this chanter:
- (b) generally, for the guidance of the Corporation. the Health Officer, registrars and subregistrars in all matters connected with the carrying out of the provisions of this chapter.

### Disposal of the dead.

457. (1) Every owner or keeper of a place, not vested in or owned by the Corporation or a Board places for disposal appointed by the Local Government for the administration of such place, which is used for burying,

Registration of

[Ben, Act III

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 458—460.)

burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by the Corporation, and shall deposit in the municipal office at the time of registration a plan of the said place showing the extent and boundaries thereof and bearing the signature of a surveyor in token of its having been prepared by or under the supervision of such surveyor.

(2) All burial and burning grounds shall be classified by the Corporation in the said register as public or private.

Provision and registration of new places for disposal of the dead.

- and 458. If the existing places for the disposal of the of dead appear to the Corporation at any time to be the insufficient, they shall—
  - (a) provide other fit and convenient places for the disposal of the dead, either in or without Calentta,

(b) cause the same to be registered in the register kept under section 457, sub-section (1), and

(c) cause to be kept in the municipal office, at the time of registration of cueh place so provided, a plan thereof showing the extent and boundaries of the same.

Permission of the Corporation required for opening or re-opening places for disposal of the dead.

- 459. Except with the written permission of the Corporation-
  - (a) no place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person as such place, and

(b) no burial or barning ground or other place for the disposal of the dead which has fallen into disuse shall be again used as such.

Fower to Local Government to direct the closing of any place for the disposal of the dead.

- 460. (I) If, from information furnished by competent persons and after personal inspection, the Health Officer is at any time of opinion—
  - (a) that any place of public worship is, or is likely to become, injurious to health by reason of the state of the vanits or graves within the walls of, or underneath, such place or in any churchyard or burial ground adjacent thereto, or

(b) that any other place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health.

· (Part V.—Chapter XXXI,—Registration of births and deaths and disposal of the dead .- Sections 461, 462.)

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the

Local Government.

(2) Upon reccipt of such opinion, the Local Government, after such further inquiry (if any) as they deem fit to make, may, by notification published in the Catcutta Gazette and in local newspapers, direct that such place of public worship, churchyard, burial ground or other place for the disposal of the dead shall no longer be used for the disposal of the dead.

(3) Every such notification shall be noted in the

register kept under section 457, sub-section (1).

(4) On the expiration of two months from tho date of any such notification, the place to which the same relates shall be closed for the disposal of the dead.

(5) A copy of the said notification, with a translation thereof in the Bengali, Hindl and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the notification relates,

unless such place be a place of public worship.

461. (1) If, after personal inspection, the Health Government Officer is at any time of opinion that any place direct response formerly used for the disposal of the dead which has heen elosed under section 460 or under any other or other enac enactment or authority has, by lapse of time, hecomo ment no longer injurious to health and may, without risk of danger, be again used for the said purpose,

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward tho same, with their opinion, for the consideration of the

Local Government.

(2) Upon receipt of such opinion, the Local Government, after such further inquiry (if any) as they deem fit to make, may, by notification published in the Calcutta Gazette, direct that such place be re-opened for the disposal of the dead.

(3) Every such notification shall be noted in the register kept nuder section 457, sub-section (1).

462. (1) No person shall, without the written permission of the Executive Officer,-

(a) make any vault, grave or interment within Officer. any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship; or

Prohibition certain acts with out the permissio

V of I

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Chapter XXXII.—Census.—Sections 463, 464.)

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 460; or

(c) build, dig or cause to be built or dug any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place which is not registered in the register kept under section 457,

sub-section (1): or
(d) exhame any body from any place for the
disposal of the dead, except under the
provisions of section 176 of the Code of
Criminal Procedure, 1898, or of any other
relevant enactment for the time being in
force.

(2) Such permission may be granted by the Executive Officer in special cases only and subject to such general or special orders as the Local Government may make in this behalf.

(3) An offence against clauser (b), (c) or (d) of sub-section (1) shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the said Code of Criminal Procedure, 1898.

### CHAPTER XXXII.

#### CENSUS.

(ensus when and how to be taken.

463. (1) At such time and in such manner as the Corporation, with the sanction of the Local Government, may from time to time direct, an enumeration shall be made of all persons then being in Calcutta.

(2) When any time is appointed under sub-section (1), the Local Government shall, at least one month before that time, publish a notification in the Calcutta Gazette, and in such local newspapers, English and vernacular, as they may think fit, announcing the said time and containing all other particulars of which they consider the residents should be informed.

they consider the residents should be informed.

464. Any person specially appointed by the

Superintendence of commercial appearance of the purpose (hereinafter called the Superintendent), shall, subject to the general control

I General Acts, Vol. V.

### (Part V.-Chapter XXXII.-Census.-Sections 465-467.)

of the Cornoration, superintend the making of every cummeration under this chapter, and shall cause to be prepared and issued, for the purposes of such enumeration, such forms and instructions as he may consider necessary and as may be sauctioned by the Local Government.

465. The expenses incurred in making any cummeration nuder this chapter shall be paid out of enumeration.

the Municipal Fuud.

466. (1) The Superintendent shall appoint a

Appointment sufficient number of competent persons to act as enumerators. enumerators for the purposes of this chapter. (2) Every enumerator shall obey all written ins-

tractions issued to him by the Superintendent for the making of the enumeration, and shall, under the direction of the Superintendent, and on the day to be appointed by the Corporation in this behalf,—

(a) visit every building within the area to which he has been appointed:

(b) take an account in writing of the name, sox, age, caste (if any), nationality and occupation of every person abiding in such building on the night immediately preceding the said day; and

(c) take an account in writing of all occupied buildings, all buildings then being built and nainhabited, and all other uninhabited

buildings:

Provided that no female shall be required to disclose her name or age.

467. (1) The following persons, namely,—

467. (1) The following persons, namely,—

Military, naval (a) any military or mayal officer in command of and potter officers. a body of military or naval men or of a persons, if required, to act as vessel of war, or any police-officer,

(b) any master of a merchant vessel, or any officer of the Port Commissioners in charge of a despatch vessel or dredger,

(c) any serang or tindat, or any person in charge

of a vessel or boat,

- (d) any person in charge of a Innatic asylum, hospital or prison, or of any public or private charitable or scholastic institution,
- (e) any keeper of an hotel or todging-house.

shall, if required by the Superintendent, act as an enumerator for the purpose of taking an account in writing of the name, sex, age, caste (if any), nationality and occupation of every person under his

enumerators.

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Chapter XXXII.—Census.—Sections 463, 464.)

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 460: or

(c) build, dig or cause to be built or dug any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place which is not registered in the register kept under section 457, sub-section (1): or

(d) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of the Cede of Griminal Procedure, 1898, or of any other relevant enactment for the time being in force.

(2) Such permission may be granted by the Executive Officer in special cases only and subject to such general or special orders as the Local Govern-

ment may make in this behalf.

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### CHAPTER XXXII.

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464. Any person specially appointed by the Corporation for the purpose (hereinafter called the Superintendent), shall, subject to the general control

Enjectate mience of enumeration

(Part V.-Chapter XXXII.-Census.-Sections 465-467.)

of the Corporation, superintend the making of every enumeration under this chapter, and shall cause to be prepared and issued, for the purposes of such enumeration, such forms and instructions as he may consider necessary and as may be sanctioned by the Local Government.

465. The expenses incurred in making any enumeration under this chapter shall be paid out of enumeration.

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enumerators for the purposes of this chapter.

(2) Every enumerator shall obey all written instructions issued to him by the Superintendent for the making of the enumeration, and shall, under the direction of the Superintendent, and on the day to be appointed by the Corporation in this behalf,-

(a) visit every building within the area to which

he ha

(b) take an name, sex, and occupaage, tion : such building on the night immediately preceding the said day; and

(c) take an account in writing of all occupied buildings, all buildings then being built and uninhabited, and all other uninhabited

buildings:

Provided that no female shall be required to disclose her name or age.

**467.** (1) The following persons, namely,—

(a) any mulitary or naval officer in command of and certain other a hody of military or naval men or of a persons, it vessel of war, or any police-officer,

(b) any master of a merchant vessel, or any officer of the Port Commissioners in charge of a despatch vessel or dredger,

(c) any scrain or findal, or any person in charge

of a vessel or boat, (d) any person in charge of a limatic asylum, hospital or prison, or of any public or private charitable or scholastic institution. and

(c) any keeper of an hotel or todging-house.

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Military, naval quired, to act as enumerators

(Part V.-Chapter XXXII.-Census.-Part VI.-Chapter XXXIII.—Acquisition. disposal and general improvement of land and buildings .-Sections 468, 469.)

command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day appointed under section 466, sub-section (2), and shall obey all instructions issued to him in writing by the Superintendent for the purposes of taking such account.

(2) If any person upon whom a requisition is made under sub-section (1) is unable to write, an enumerator appointed under section 466, sub-section (1), shall fill up any form supplied to such person under that

sub-section.

### PART VI.

### CHAPTER XXXIII.

ACQUISITION, DISPOSAL AND GENERAL IMPROVEMENT OF LAND AND BUILDINGS.

Acquisition and disposal of land and buildings.

Power to Corbuildings improvements

- 468. The Corporation may acquire any land and poration and buildings, whether situated in Calcutta or not.—
  - (i) for the purpose of opening out any congested or unhealthy area or of otherwise improving any portion of Calcutta; or

(ii) for the purpose of erecting sanitary dwellings for the working and poorer classes.

Scheme for carrying out such improvements.

- 469. (1) When any land or building has been acquired under section 468 for the purpose of carrying out any work, the Corporation shall frame a scheme for carrying out such work either by themselves or by any co-operative building society or by any other person whom they may select to carry out the same.
- (2) When any scheme is framed under sub-section (1) for the carrying out of work by any person other than the Corporation, the scheme shall embedy the terms and conditions agreed upon between the Corporation and such person;

and such conditions shall be deemed to include a to superintend and the Corporation power to control the excention of the work.

(3) Every scheme framed under sub-section (1) shall be published in the Calcutta Gazette and in such

(Part VI.-Chapter XXXIII.-Acquisition, disposal and general improvement of land and buildings,-Sections 470, 471.)

other manner as the Corporation may think fit, together with a notice specifying a period within which objections will be received.

(4) The Corporation shall consider all objections received within the said period, and shall submit the documents to the Local Government with such recommendations as they may desire to make.

(5) The Local Government, after considering the said objections and recommendations (if any), may confirm the scheme, and before doing so may modify it, but not so as to extend its effect.

470. When any scheme for the carrying out of rower to Corwork by the Corporation themselves has been con-out improve-improvefirmed by the Local Government under section 469, ments. sub-section (5), the Corporation may proceed to carry out the work in accordance with the scheme.

471. (1) When any scheme for the carrying out day buildings to of work by any person other than the Corporation person for early has been confirmed by the Local Government under sein but improvement. section 469, sub-section (5), the Corporation may sell, lease or otherwise transfer to such person the land and halldings which have been acquired under section 468, for the purpose and under the condition that he will carry out such work in accordance with the said scheme.

- (2) Every sale effected or lease granted by the Corporation under this section shall be deemed to include a covenant authorizing the Corporation to re-enter if the parchaser or the lessec—
  - (a) fails to earry out any work in accordance with the said scheme, or,
  - (b) after carrying out the work, uses the land or buildings leased to him, or any part thereof. or allows the same to be used, for any purpose which is inconsistent with the said scheme:

and such covenant shall be hinding on all transfcrees from the original purchaser or lessee.

(3) Before possession of any land or building is given to any person by the Corporation in pursuance of any contract (other than a lease) made under this section, the Corporation shall take security from such person for the due carrying ont and maintenance of work in accordance with the said scheme.

outside

(Part VI.-Chapter XXXIII.-Acquisition, disposal and general improvement of land and buildings .-Sections 472, 473).

Additional powers for acquisition, disposal, etc.

Further powers to Corporation for

- 472. In addition to the powers expressly conacquiring and dissection of land or buildings, the Corporation posing of land or tion and disposal of land or buildings, the Corporation
  - (i) acquire, or pay rent for, or take on lease under such conditions as they may think fit, any land and buildings, whether situated in Calcutta or not, which may, in their opinion, be needed for carrying out any of the purposes of this Act.

(ii) sell, lease or otherwise transfer, on such terms as they may think fit, any land or building vested in them, and

(iii) purchase any land or buildings Calcutta in execution of a decree made by

a Court in their favour.

Procedure when acquired by them

473. Whenever the Corporation decide to lease Corporation lease or sell any land acquired by them under this Act from any person, they-

(a) shall give notice by advertisement in local

newspapers; and

(b) shall offer a prior right to take on lease or purchase such land to any person or his heirs, executors or administrators, who formerly had any interest in such land, or who, in the opinion of the Corporation, bus a superior claim to such land, or if it appears to the Corporation that no person has such a superior claim, the Corporation shall put up to auction the right to take on lease or purchase such land among all persons who, previous to its acquisition, had interests in any portion of such land greater than a lease for years having seven years to run;

Provided that the prior right referred to in clause (b) need not be offered or put up to anetion, if the Corporation consider that to do so would be detrimental to the carrying out of the purposes of this Act:

Provided also that before putting up to auction the right to take a lease or purchase such land, the Corporation may fix a minimum reserve price, below which the said right shall not be sold.

f 1894.

(Part VI.-Chapter XXXIII .- Acquisition, disposal and general improvement of land and bulidings .-Sections 474, 475.)

### Exemption.

474. Nothing in this Act shall anthorise the Exemption of Corporation to acquire for the purposes of this worth from chapter or of any other section of this Act any build- acquisition ing which is intended solely for and is used solely as a place of public worship.

#### General provisions.

475. Any land or buildings which the Corporation are authorized by this Act to acquire may be Act, 1801, with acquired under the provisions of the Land Acquisition amendment. Act, 1894, and for that purpose the said Act shall be subject to the amendment that the market-value of any land or building to be acquired shall be deemed. for the purposes of clause first of sub-section (1) of section 23 of the said Land Acquisition Act, to be the market-value according to the disposition of such land or building at the date of publication of the declaration relating thereto under section 6 of the said Land Acquisition Act:

Provided as follows :-

(i) if, within a period of two years from the date of the publication of such declaration in respect of any land or building, the Collector has not made an award under scetion 26 of the said Land Acquisition Act with respect to such land or building, the owner of the land or building shall be entitled to receive compensation for the damage suffered by him in consequence of the delay:

(ii) if it be shown that, before such declaration was published, the owner of the land or building had taken active steps and incurred expenditure to secure a more profitable disposition of the same, further compensation, based on his actual loss.

may be paid to him;

(iii) if the market-value is specially high in consequence of the property being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market-value shall be deemed to be the market-value of the land or building if put to ordinary uses;

Beneral Acts. Vol. IV.

(Part VI.-Chapter XXXIII.-Acquisition, disposal and general improvement of land and buildings.-Chapter XXXIV .- Special powers to the Corporation .- Sections 476, 477.)

(iv) if the market-value has been increased by means of any improvement made by the owner or his predecessor in interest within one year before the aforesaid declaration was published, such increase shall be disregarded, unless it be proved that the improvement was made bondfide and not in contemplation of proceedings for the aequisition of the land or building being taken under the said Land Acquisition Act.

I of 1831.

Vesting Corporation of land and build-

476. On payment by the Corporation of the compensation awarded under the said Land Acquisition acquired Act, 18941, in respect of any land or buildings and of proder the Land Acquisition Act, any other charges incurred in acquiring the said land or buildings, the same shall vest in the Corporation.

### CHAPTER XXXIV.

### SPECIAL POWERS TO THE CORPORATION.

Special powers to the Corporation.

477. In addition to the other powers and duties conferred or imposed on them by or under this Act or any other Act for the time being in force, the Corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely:--

(i) the planting and preservation of trees in nublic streets and public places;

(ii) the construction, alteration, maintenance and adornment of public halfs, offices and other buildings, under the control of the Corporation or required for municipal purposes:

(iii) the laying out and maintenance of squares gaidens and playgrounds, and the supplying and maintenauco of equipment for games in playgrounds;

(iv) the playing of music in squares, gardens or other public places;

(v) the survey of buildings and lands, and the preparation and maintenance from time to time of survey maps and plans and of the records relating thereto;

- (Part VI.—Chapter XXXIV.—Special powers to the Corporation.—Section 477.)
  - (vi) the construction and maintenance of hospitals, infirmaries, alms-houses, asylums, orphanages, industrial schools and auxiliary homes for the purposes of the Bengal Children Act, 1922, and of public training schools for nurses, either in Calentta, or (if such institutions are for the benefit of persons residing in Calentta) without Calentta, and arrangements for keeping a sufficient staff in such institutions;
  - (vii) the payment of contributions to the cost of such orphanages, industrial schools and auxiliary homes for the purposes of the Bengal Children Act, 1992, and of public training schools for nurses or institutions for providing nurses and of the staff of these institutions and the other institutions referred to in clause (vi);
  - (viii) the establishment, maintenance and administration of veterinary hospitals and dispensaries in Calcutta;
    - (ix) the payment of contributions to the cost of such veterinary hospitals and dispensaries;
      - (x) the payment of contributions towards any public fund raised for the relief of human suffering within Calcutta;
    - (xi) the payment of contributions to charitable institutions in Calcutta for assisting in the disposal of unclaimed corpses and the burial or eremation of paymers;
    - (xii) vaccination;
  - (xiii) the promotion of technical and industrial education;
  - (xiv) free libraries;
  - (xv) the payment of, or the payment of a contribution to, the cost incurred on the occasion of any public ceremony or entertalument or any exhibition for the purpose of instruction or education, held in Calentta;
  - (xvi) the payment of contributions to the Commissioners of any neighbouring municipality for expenditure on sanitary purposes;

[Ben. Act III

(Part VI.—XXXIV.—Special powers to the Corporation.—Part VII.—Chapter XXXV.—By-laws and rules.—Section 478.)

- (xvii) the presentation of addresses to persons of distinction; and
- (xriii) any other matter likely to promote the public health, safety or convenience or the carrying out of this Act, which the Local Government, on the recommendation of the Corporation made in pursuance of a resolution in favour of which not less than two-thirds of the Councillors and Aldermen present and voting have voted, may declare in this behalf.

#### PART VII.

### CHAPTER XXXV.

### BY-LAWS AND RULES.

Power to Corporation may make by-laws generalposition to make by for carrying out the provisions and intentions of
this Act; and in particular, and without projudice to
the generality of the foregoing power, they may make
by-laws—

- (1) for the subdivision, amalgamation, renewal and exchange of municipal debentures issued under Chapter VIII;
- (2) regulating-
  - (a) the detention and examination of petroleum introduced into Calentia for consumption therein;
  - (b) the collection of any tax imposed under section 181, sub-section (3); and
  - (c) such other matters connected with the introduction of petrolenn into Calentta for consumption therein as the Corporation may from time to time think fit to regulate:

Provided that no such by-law shall render petroleum, passing through Calculta transit for any place beyond ita, liable to detention or to detention or made this

### (Parl VII.—Chapter XXXV.—By-laws and rules.— Section 478.)

(3) prescribing the size, the make, the length of the nave, and the minimum width of tyres of carts, the maximum load which they shall be permitted to carry, and generally prescribing the conditions under which persons shall be permitted to own and drive registered earts;

 (4) prescribing the procedure to be followed by owners or occupiers desiring a watersupply;

- (5) prescribing a schedule of charges for water supplied for other than domestic purposes:
- (6) regulating the testing of the purity of filtered water supplied under Chapter XVII;
- (7) providing for the maintenance of a map of the water-supply system and facilitating the inspection of the same by ratepayers;
- (8) regulating-
  - (i) the construction and maintenance of water-pipes, taps and fittings, and
  - (ii) all matters and things connected with the supply and use of water, the use, protection and control of meters, hydrants and other fittings, and generally the control of the watersupply and the administration of Chapter XVII;
  - (9) specifying the manner in which house-drains and privies are to be connected with the municipal drains;
  - (10) prescribing the procedure to be followed by owners and occupiers of premises in connecting house-drains and privies with the municipal drains;
  - (11) regulating the construction, maintenance, control and cleansing of drains, ventilation-shafts or pipes, cesspools, house-gullies, privies, urinals, public hathing and washing places and drainage works of every description, whether belonging to the Corporation or not:

(12) providing for the maintenance of a map of the sewerage system, and facilitating the inspection of the same by ratepayers;

(13) prescribing the qualifications to be required from, and regulating the appointment, suspension, and dismissal of, licensed plumbers;

Ben. Act III

(Part VII.—Chapter XXXV.—By-laws and rules.— Section 478.)

- (14) for the alteration of doors, gates, bars and windows opening outwards on a public street:
- (15) for the provision, maintenance, and lighting of hoardings or fences in public streets when building or any other work is carried on;
- (16) regulating the making of holes or excavations of any kind in a public street;
- (17) prohibiting or regulating the placing of obstructions, projections or encroachments, or the depositing of materials or goods, in a public street or in or over any drain or aqueduct in a public street or on any land vested in the Corporation;
- (18) regulating the posting or painting of advertisements in or adjacent to or visible from public streets or other public places;
- (19) for the provision and maintenance of gatters and pipes for carrying and discharging water from buildings in a public street;
- (20) regulating the construction of approach roads crossing the footpath of a public street;
- (21) regulating the construction of veraudalis and other structures in streets;
- (22) for altering the position of pipes and appliances laid in streets;
- (23) regulating all matters relating to the fittings, width and construction of streets;
- (21) regulating the use of land as sites for the erection of buildings;
- (25) regulating the erection of new buildings;
- (26) regulating the making of alterations in, and additions to, buildings;
- (27) regulating the erection and use of buildings for a temporary purpose;
- (28) providing for the protection of lamps, lights, gas-pipes, electric wires and all other appurtenances necessary for the lighting of public streets and municipal markets and buildings; and regulating the number in which gas-pipes or electric wires shall be laid and existing gas-pipes or electric wires aftered in such streets;

### (Parl VII.—Chapter XXXV.—By-laws and rules.— Section 478.)

- (29) providing for and regulating the collection, removal and disposal of all offensive matter and in Calcutta, and the and scavenging of
- (30) for the regulation and control of public bathing and washing places and places constructed under section 377, the management, equipment and maintenance of public swimming-baths, the imposition of fees for the use of such baths and the control of persons resorting to such washing places and baths:
- (31) for the construction, management and mrintenance of public wash-houses, for the regulation and control of such public wash-bonses and other places for the use of washermen in the exercise of their calling, for the imposition of fees for the use of such wash-bonses or places, for the control of persons carrying on business therein or resorting thereto, and for the prohibition of the use of unauthorized places for such purposes;
- (32) prohibiting the fouling of any tank, reservoir, stream, well or ditch in Calcatta or of any source from which the public water-supply is drawn;
- (33) for preventing the description of any struction of any careass, and prescribing the fees payable to the Corporation for such disposal;
- (34) specifying the manner in which stables, cattle-sheds and cow-bouses are to be constructed, altered, paved, repaired, maintained and inspected, and the means whereby they are to be connected with the municipal drains;
- (35) (a) providing for the inspection, keeping and removal of milch-cattle, and prescribing and regulating the ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milkseller; and

## (Part VII.—Chapter XXXV.—By-laws and rules.— Section 478.)

- (b) for declaring areas in which no person shall keep milch-cattle for the purpose of supplying milk for sale, subject to power being given to the Corporation to give such compensation as they think fit in respect of any eattle-shed constructed in accordance with the plan sanctioned by the Corporation within two years of the publication of a by-law under this sub-clause, provided that such structure is removed within the time fixed by the by-law;
- (36) for enforcing the cleanliness of milk-stores and milk-shops and milk-vessels used for containing milk:
- (37) requiring notice to be given whenever any mileb-animal is affected with any contagious disease, and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination;
- (38) for the regulation of lodging-houses; (39) regulating the removal and disposal of rank
- or noxious vegetation;
  (40) for the inspection, supervision, regulation, and control of eating-honses and places
- where food for human consumption is prepared or kopt for sale;

  (41) for determining what amount of superficial and entire space shall be deemed, for the
- and entic space shall be deemed, for the purposes of sub-section (1) of section 381, to be necessary for each occupant of a building or room;
- (42) for the regulation, inspection by day or by night, supervision and control of all factories, bakehouses, work-shops, workplaces and premises used for any of the purposes referred to or mentioned in sectious 385 and 386, and of all trades and manufactures carried on therein, and for the cleanliness or ventilation of the same, or the health or safety of the persons employed therein;
- (43) regulating the inspection, supervision and control of theatres, circuses and other places of public result, recreation or amusement, and prescribing the terms and conditions subject to which theenses may be granted for keeping open such places;

### (Part VII.—Chapter XXXV.—By-laws and rules.— Section 478.)

- (44) for scenning the efficient inspection of markets, slaughtor-houses and places set apart under proviso (iii) to sub-section (1) of section 396;
- (45) regulating the management of, and the eon duct of business in, markets:
- (46) regulating the use of any municipal markot, municipal slaughter-house, municipal stockyard, or any part thereof, or any place set apart under proviso (iii) to sub-section (1) of section 396;
- (47) providing for n sufficient supply of water to or in, and for the proper cleansing, general control and regulation of the sanitary condition of, markets, slaughter-houses, stock-yards and places set apart under proviso (ii) to sub-section (1) of section 396, and proventing the exercise of crucity and the occurrence of unisances or obstruction therein;
- (48) for preventing persons suffering from any loathsomo disease from keeping stalls in, or beiog omployed in preparing or selling articles of food in, any market or from entering any market or tonebing any article brought thereto for sale, and for authorizing the expulsion of such persons from any market;
- (49) for preventing persons suffering from any infections or contagions disease living in places where food or drugs are sold, stored or prepared, and for disinfecting the place whore any such case has occurred, and generally for the restraint of infection in such places:
- (50) for preventing the use in any market of false or incorrect weights, scales or measures:
- (51) for posting up a price-entrent in any market;
- (52) for the control and supervision of butchers carrying on business in Calcutta or at any municipal slaughter-house without Calcutta;
- (53) for securing the efficient inspection and sanitary regulation of shop. in which articles of food or drugs are kept or sold and the provision therein of smtable receptacles or vessels for keeping such food or drugs and for enforcing the proper maintenance and cleanliness of such receptacles and vessels;

[Ben. Act III

## (Part VII.—Chapter XXXV.—By-laws and rules.— Section 478.)

(54) prescribing the standard of water to be used in the manufacture or preparation of soda water, lemonade, lithia water or other artificially aerated water or other mineral water or cordials or sherbet or other similar beverages or ice-creams or ice;

(55) prescribing the forms or kinds of label to be attached to articles of food or drugs, or a mixture thereof, or to packages containing the same, and requiring or prohibiting the use in the inscription on the label so attached of such particulars, directions, statements, information or words as are specified:

(56) prescribing the forms or kinds of label to be attached to receptacles containing disinfectants, germicides, antiseptics or preservatives for sale, and requiring or prohibiting the inscriptions on the label so attached of such particulars, directions, statements, information or words as are specified :

(57) requiring packages in which any article of food is sold to be marked as prescribed with

the date on which it was packed;

(58) prohibiting the publication, use or exhibition in any manner whatsoever of any printed or pictorial matter with respect to articles of food or drngs which is false or misleading or likely to mislead;

(59) requiring the destruction or denaturation of any article of food that has become deteriorated or impoverished or which is injuri-

ous to health;

wholesomeness, cleanliness, (60) seenring the freedom from contamination and adulteration of any article of food or drug hawked about for sale, and the cleanliness of receptacles used for the purpose;

(61) prescribing and regulating the functions and duties of registrars and sub-registrars of births and deaths and of keepers of barial and burning grounds and other places for the disposal of the dead, and for regulating and ensuring the correct and prompt registration of all births and deaths:

(62) regulating the speedy disposal of corpses;

(63) regulating the carrying of corpses along streets:

### (Part VII .- Chapter XXXV .- By-laws and rutes .-Sections 479, 480.)

- (64) regulating the removal of corpses or parts of corpses which have been kopt or used for nurposes of dissection:
- (65) regulating the digging and making of graves and vaults:
- (66) regulating the re-opening of graves and vaults for purposes of fresh interments;
- (67) regulating cremation; (68) generally, for regulating the disposal of the dead, the inspection of all places for the disposal of the dead, and the maintenance of all such places in good order and in a safe and sanitary condition;
- (69) regulating and facilitating the taking of a ccusus of the population of Calcutta, and securing accurate returns thereof, and prescribing the duties of the Superintendont referred to in section 464:
- (70) for securing the registration of marriages for statistical purposes; and
- (71) regulating the printing and sale of hy-laws and rules made under this Act, and providing for the exhibition thereof iu suitable places.

479. (1) There shall be annexed to by-laws made under clauses (9), (11) or (34) of section 478, typeplans of all constructions referred to in them and the said plans shall be opon to the inspection of any applicant at the municipal office, at all reasonable times.

l'rovisions as to the application of certain by-laws

(2) No hy-law made under chaise (42) of section 478 shall-

a. Act III l of 1911. (a) affect the Bengal Steam-boilers and Primemovers Act, 1879, or

(b) apply to any factory to which the Indian Factories Act, 1911, is applicable.

480. In making a by-law under section 478, the Penaltees Corporation may provide that a breach of it shall be breach of  $\frac{breach}{baw}$ 

for by-

(a) with fine which may extend to fifty rupees and in the case of a continuing breach, with fine which may extend to ten jupees for every day during which the breach continnes after conviction for the first breach, or

<sup>1</sup> Bengal Code, Vol. II. 2 General Acts, Vol. VIL.

Ben. Act III

### (Part VII. -Chapter XXXV .- By-laws and rules,-Sections 481-483.)

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of written notice from the Corporation to discontinue the breach.

Conditions precedent to the making of bylaws.

- 481. The power to make by-laws under this Act is subject to the condition of the by-laws being made after previous publication, and to the following further conditions, namely,-
  - (a) a draft of the by-laws shall be published the Calcutta Gazette and in local newspapers:
  - (b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication or such longer period as the Corporation may appoint;
  - (c) for not less than one month during such period, a printed copy of such draft shall be kept at the municipal office for public inspection, and every person shall bo permitted at any reasonable time to peruse the same, free of charge; and
  - (d) printed eopies of snoh draft shall be obtainable by any person requiring the same, on payment of such fee, not exceeding two annay for each copy, as may be prescribed by the Corporation.

By-lang to be subject to sinc-Government

482. (1) No by-law made by the Corporation under this Act shall have any validity unless and until it is sanctioned by the Local Government.

(2) Before sanctioning any such by-law, the Local

Government may modify it.

483. (1) The Local Government may, on the l'ower to Local recommendation of the Corporation, by rules after, the amendment add to or cancel any part of, or any rule contained

Government make rules for schedules.

in, any schedule except Schedule I.

(2) Notwithstanding anything contained in subsection (1) the Corporation in pursuance of a resolution passed at a meeting, may from time to time, subject to the approval of the Local Government. divide the Garden Reach constituency in Schedule III into two or more constituencies for the purposes of the election of Conneillors and allocate to each such constituency such number of Conneillors as to them may seem fit, but not so as to alter in respect of the area included in the Garden Reach Municipality before the commencement of this Act the total unmber of

of 1923,]

(Part VII.-Chapter XXXV.-By-laws and rules.-Sections 484-487.)

Conneillors, or the number of seats as distributed between non-Muhammadan and Muhammadan Conneillors, as fixed by Schedule III.

(3) The Corporation may also amend Schedule VII so as to give effect to the division referred to in sub-

section (2).

(4) All references in this Act to any schedule which may be amended under this section shall be construed as references to such schedule as for the time being so amended.

484. (1) The power to make rules under any section (other than section 417) of this Act is subject making of rules to the condition of the rules being made after previous

publication.

- (2) The power of the Local Government to make rules under section 25, sub-section (2), section 30, subsections (1) and (2), section 422, or section 483, subsection (1), is also subject to the following further conditions, namely,-
  - (a) a draft of the rules shall be published in the Calcutta Gazette and forwarded to the Corporation for their opinion;
  - (b) such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Local Government may appoint.
- 485. (1) No rule made under section 56, section be subject to 71, sub-section (9), or section 75, sub-section (4), sanction. shall have any validity unless and until it is sanetioned by the Local Government.

(2) Before sanctioning any such rule, the Local

Government may modify it.

486. All by-laws and rules made and (where sanction is required) duly sanctioned under this Act a Carette, and shall be published in the Calcutta Gazette, and shall effect of

thereupon have effect as if enacted in this Act. 487. (1) If the Local Government are at any time of opinion that any by-law or rate made under this Act Power to Local by the Corporation should be cancelled, either wholly and rules

or in part, they shall cause the reasons for such opinion to be communicated to the Corporation, and shall prescribe a reasonable period within which the Corporation may make any representation with regard thereto which they may think fit,

(2) After receipt and consideration of any such representation, or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Local Government may at any

Conditions pre-

publication.

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[Ben. Act III

(Part VII.—Chapter XXXV.—By-laws and rules.— Part VIII.—Chapter XXXVI.—Penalties.— Section 488.)

time, by notification in the Calcutta Gazette, cancel such by-law or rule, either wholly or in part:

Provided that no by-law or rule shall be cancelled in part only if, within the period aforesaid, the Corporation have objected to a partial cancellation thereof.

(3) The cancellation of a by-law or rule under subsection (2) shall take effect from such date is the Local Government may in the said notification direct, or, if no such date is specified, then from the date of the publication of the said notification in the Calcutta Gazette, except as to anything done or suffered or omitted to be done before such date.

(4) The said notification shall also be published in local newspapers.

### PART VIII.

### CHAPTER XXXVI.

### PENALTIES.

Certain offences punishable with fine. 488. (1) Whoever committs any offence by-

(a) contravoning any provision of any of the sections, sub-sections, clauses of sections, provisos or rules of this Act mentioned in the first column of the following tuble, or

(b) contravening any provision of any rule made under any of the said sections, sub-sections, clauses, or provisos, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provises or rules,

shall be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

(2) Whoever, after having been convicted of any offence referred to be clauses (a), (b) or (c) of sub-section (I), continues to commit such offence shall be punished, for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in this behalf in the fourth column of the said table.

Explanation.—The entries in the second column of the following tell a headed "Sulpert", are not intended as definitions of the reference described in the principles maintained in the first redunity, or extra scalarities of these proxisions but are inserted mently as references to the edgest theories.

## (Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

1	2	3	4
Sections, sub- sections, clauses, provisos or rules	Sulijoet	' Fine which may be timposed.	Dully fine inay be impos
Section 121, sub-	Requisition by auditors to produce documents, to appear in person, or to make and sign deciration, to answer question or to submit statement.	One hundred rapees	Fifty rapers
section 136, sub- sections (1) and (2)	Requisition for teturns of measurements and rent or annual value of land or building	Two hundred inpecs.	
ection 145	Obligation to give notice of transfer of title in laid or building.	Twenty-five rapecs	Five supees
setion 155	Obligation to give notice of re-occupation of unoccupied land or loubling.	Twenty five rupees	Five rupees
retion 167, sub- sections (1) and (2).	Obligation to forward statement of carriages and annuals liable to taxation,	Twenty rupees	}
ection IG8	liequisition on occupier to forward statement of carriages and animal- hable to taxation, and mannes and addresses of persons owning or keeping same	Twenty rapees	
ection 171	Requisition on livery stable-keeper to produce books and accounts for inspection.	Fifty rupees	Ten rupees.
section 173, sub- sections (3) and (4)	Obligation to forward list of dogs Rable to taxation	Ten rup≃e∢	
lection 178	Requisition on occupier to forward list of persons carrying on profession, trade or calling in his premises	Fifty supecs	Ten rapces.
ection 181, sub- section (2).	Prohibition of introduction of petroleum into Calcutta for storage.	One thousand rupees	
Section 183, sub- section (3)	Keeping or possessing cart not duly registered.	Twice the amount payable for registration, exclusive of the amount so payable	
Section 183, sub- section (4)	Failing to affix registration number to	Five rupees.	
Section 187, sub- section (1).	Driving eart without registration ticket	Twenty-five rapees	Five rupees.

THE CALCUTTA MUNICIPAL ACT, 1923.

[Ben. Act

(Part VIII.-Chapter XXXVI.-Penalties.-Section 488.)

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1	2	3	4
Sections, sub- sections, clauses, provisos or rules.	Sabject,	Fine which may be imposed.	Daily fine which may be imposed.
Section 187, sub- section (3).	Use of false registration ticket, or a ticket granted to another cartinan.	Twenty-five rupees	Five 1 upees.
Section 220, sub- section (2).	Improper use of filtered water supplied for domestic purposes.	Ten rupees	Five rupees.
Section 221, snb- section (3)	Use of unfiltered water for domestic purposes.	Five rupees.	
Section 228	Requisition on owner to obtain adequate supply of water from nearest main for his building.	Twenty-five rapces	Five rapees.
Section 238, sub- section (4)	Failure to give notice of intention to occupy or vacate premises.	Thirty supees.	
Section 243, sub- section (2).	Unauthorizedly taking water for use without Calcutta.	Fifty rapses.	
Section 246	Requisition to fill up well	Twenty-five rupces	Five rupees.
Section 253, sub- section (1)	Constructing private street, wall or other structure over jounicipal drain.	One hundred rupees	len rupees.
Section 257, sub- section (1).	Unlawfully connecting house-drain with municipal drain.	One hundred rapees	Ton rupeer.
Section 258	Requisition to connect one house-drain with another in private street.	Twenty-five rapecs	Five enpecs.
Section 260	Requisition on owner of premises to make house-drain and provide appliances or fittings, or to remove house-drain, etc	Filty rupecs T	ive rupees.
Section 261	Requisition on owner of premises to make house-drain communicating with nearest municipal drain or closed cesspool.		s e ជាអ្នកទ
Section 262 (	Direction to owner of premises as to closing or limiting the use of house drain.		ve rupccs.
Section 263, sub- section (1)			o rupeos
Section 264	Requisition on owner of constrard, alloy or passage to pass, repair and raise level of same.	neuty-fire rupees  Fiv	a tribora.

## (Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

ī	2	3	4
Sections, sub- sections, clauses, provisos or rules.	Suhject.	Fine which may be imposed.	Daily fine whi may be imposed.
Section 265, sub-section (2).	Requisition on owner of land to con- struct new drain for benefit of occu- pants of lut; and failure to maintain, etc., such drain.	1	Five rupees.
Section 266	Construction, maintenance and regulation of drains.	One hundred rupees	Twenty rupees.
Section 268, sub-section (2).	Keeping a public privy or urinal with- out license or suffering a licensed public privy or urinal to be in a filthy or nextour state.	One hundred rupees	Fifty rupees.
Section 269	Provision of privy and urinal accommodation for building.	Fifty rupees.	
Section 270, sub- section (1).	Provision of privy and urinal and bath- ing or washing place for new building for twenty labourers.	Fifty rupees.	
Section 270, sub- section (2).	Requisition on owner of premises to provide privy, urinal and other accommodation for twenty labourers.	Fifty rapecs.	Five supees.
Section 271	Requisition on owner of premises to provide or alter privy or urinal accommodation in premises where accommodation is not provided or is insufficient.	Fifty rupees	Five rupces,
Section 272	Requisition on owner to provide privies and urmals for premises used by large numbers of people.	Two hundred rapees	Twenty rupees,
Section 273	Construction, maintenance and regulation of privies, urinals and appurtenances thereof in accordance with rules and by-laws.	Two handred rupees	Twenty rupées.
Section 278, sub-sec- tion (1).	Requisition on owner of premises to close, remove, renew or take other order with house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal.	Fifty rupee	l'ive rupees.
Section 279, sub-sec- tion (1).	Position of cesspools	Fifty rupees.	
Section 279, sub-sec- tion (2).	Requisition to remove or fill up cess- pools.	Fifty rupees	Twenty rapees.
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[Ben. Act |

# (Part VIII.-Chapter XXXVI.-Penallies.-Section 488.)

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	1	3	4
Sections, sub- sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 280, sub-section (1).	Construction of house-drain, service privy, etc, within fifty feet of tank well, etc.	Twenty rupees.	
Section 280, sub-sec- tion (2).	Requisition on owner of land to remove receptacle for sewage or offensive matter.	Twenty rapces	Five inpecs,
Section 284, clause (b).	Requisition on owner of premises to alter, pave, repair, etc., house-drain, cesspool, privy or prinal.	One hundred rapees	Twenty rapecs.
Section 285	Requisition on occupier of premises to carry out work which owner may be required to carry out.		The amount which may be levied as daily fine on the owner in each case
Section 287	Prohibition of certain acts in connection with drainage, etc.	One hundred rupees 1	wenty rupees.
Section 291, anh. sec- tion (1)	Prohibition of execution of certain work by persons other than housed plumb- ers.	One hundred and fifty rupees.	
Section 291, sub-section (2).	Prohibition of owner or occupier of pre- mises causing or allowing certain work to be executed by persons other than licensed plumbers,	Fifty tupees.	
Section 292, sub-section (2).	Prohibition of licensed plumber demand- ing or receiving more than prescribed charge.	One hundred ropees.	
Section 294, sub- section (1).	Prohibition of licensed plumber infring- ing rules, executing work carelessly or negligently, or using bad materials, appliances or littings.	Fifty rapecs.	
Section 299, sub- section (1).	lequisition on owner or occupier of laiding to remove or ulter vermodal, etc., or fixture.	Ino hundred rupees Tou	733 \$1.4
Section 300, with section (1).		Fifty supers Ten	
section (7).	addition to, building or wall within street alignment pre-ceited under section 302.  i) Requisition to temore building Fi	no handed and The lifty rupers. Ity rupers Took	
<u> </u>	creeted or add d within street alignment provided under section 302.		
	and the second s		

# (Part VIII.-Chapter XXXVI.-Penalties.-Section 488.)

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1	²	] 3	4
Sections, sub- sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 303, sub- section (3)	Prohibition of crection of, or addition to, building between street alignment and building-line prescribed under section 302.	Two hundred supees	Twenty rupees
Section 303, sub- section (4).	Requisition to remove building erected or added between street alignment and building line prescribed under section 302.	Fifty rupees	Теп гиреся.
Section 309	(s) Prohibition of crection of, or addition to, building or wall within street alignment of a street projected under section 308	Two lundred and fifty supees,	Twent <b>y·fiv</b> a rapees.
•	(a) Requisition to remove building erected or added to on site between street alignment and building line of a street projected under section 308	1	Ten rapees.
Section 315	Unlawfully making or laying out a private street	Two hundred and fifty rupees.	Twenty-five rupecs.
Section 317, sub- mection (1).	Requisition on owner of private street or owner or occupier of adjoining land to level, etc., such street.	One lundred rupers	Ten rupces.
Section 322, sub- section (2).	Prohibition of heensed building surveyor demanding or receiving more than the prescribed fee in the absence of a written contract	One kumbed rapees.	
Section 324, sub- section (6).	Erection of new building in contraven- tion of declaration by the Corporation	Two hundred rapees.	
Section 325	Prohibition of erection of building with- out permission or so as to deprive another building of proper means of access.	Two handred rapees	Pifty rupees,
Section 326	Requisit.on upon owner of public building to make certain alterations in it for purposes of samtation, etc.	Two hundred and fifty rupees	Fifty rupees,
Section 327 .	Requisition on owner to provide public building with external doors or to cause such doors to open ontwards.	One hundred rupees	Ten rupees.
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[Ben. Act II

# (Part VIII.-Chapter XXXVI.-Penalties.-Section 188.)

1	2	3	<del></del>
	<u>'</u>	1 3	4
Sections, sub- sections, clauses, provisor or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 328, sull- section (1).	Change in use of building without special permission.	Two hundred rupces in the case of a masonry building, and fifty rupces in the case of a lat.	Fifty supers in the case of a masoury building and ten supers in the case of a hut.
Section 328, sub- section (2), pro- viso.	Requisition to close shop	Twenty-five rapecs	Five rupees.
Section 334, sub- section (1).	Erecting or using building for temporary purpose without approval of Corporation.	Fifty rupees	Ten rupees,
Section 337, sub- sections (1) and (3).	Requisition on owner of bustee of certain area to carry oul improvements.	Two hundred rupees	I'm onty supecs.
Section 340	Erecting or adding to but in a bustee before preparation of plan by owner and approval of same.	Fifty rupees.	
Section 341	Erecting or adding to but in a bustee contrary to standard plan.	Twenty-five rupees.	
Section 342, sub- section (1).	Requisition on owner to remove lut in busics not in conformity with standard plan.	Tacaty-five enpoced P	ivo rupees.
Section 343, sub- section (1).	Requisition on owner of bustee to con- struct drains, etc., and to fill up, etc., tanks, wells, etc., in accordance with standard plan.	1	٠
Section 346	Requisition on owners to carry out in T bustes improvements indicated in Schedule A annoved to report under section 344.	1	
Section 354, sub- section (2).	Pailure to keep open private street in F buster for scavenging and other purposes and for use of tenants.		n Inboor
}	l'aibire to keep open bathing and privy cacominodation in bustes for use of tenants.		
rection (2).	licquisition on owner to maintain in Tw proper only streets, drains, etc., in bustee according to standard plan.	1	
section 35%, sub- section (2), pro-	Owner of but to maintain convenience I'w tuade by him for his own use.	renty-five supers Five	Infect

### (Part VIII.-Chapter XXXVI.-Penalties.-Section 488.)

1	2	3	4
Sections, sub- sections, clauses, provisos or rules,	` Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 356, sub- section (3).	Requisition on tenant or tenants of busice to repair street, passage, drain, etc	Two hundred rapecs	Twenty rupees.
Section 359, sub- section (5)	Requisition on owner applying to re-creet huts to carry out improvements before re-creeting such huts.	One hundred rupees	Тен тирееч,
Section 360, sub- section (4).	Erection of hut or portion of hut within abgroment prescribed for private streets in bustee or other area.	Fifty rupees.	
Section 361, sub- section (1)	Requisition on owners or occupiers to remove huts	Fifty rupees	Ten rapces
Section 362	Requisition on person erecting masonry building in busies to leave space of fifteen feet from centre line of street.	One hundred rupees	Twenty rupees.
Section 363, Sub- section (1), clause (1).	Direction to alter or demolish work or structures.	fifty empees in the case of a masoury building, and twenty-five rupees in the case of a	Twenty-five rupees in the case of a massary building, and five rupees in the case of a hut.
Section 364, sur- section (1), clause (a)	Direction to alter or demolish certain structures.	hut. One hundred rapees	Fifty impecs.
Section 365, sub- section (1)	Realistica and accordance of work deci-	Two hundred aml fifty rupees.	Fifty rupees
Section 368, sub- section (1)	Constructing private street, building, wall or other structure over minicipal gas-pipe.	One hundred rupees	Twenty rupees.
Section 369	Keeping of animals	Fifty rupces	Five : upees.
Section 371, sub- section (2)	Provision ot land in bustee when required for temporary deposit of rubbish, etc.	Тен гирееч	Three rupees,
Section 372, sub- section (1).	Direction to collect rubbish and offensive unatter and deposit it at or near entrance to premises.	Ten rupees.	
Section 372, sub- section (2)	Direction to collect rubbish and offensive matter and deposit it in public receptacle.	Ten rupces	

# (Part VIII.—Chapler XXXVI—Penallies.—Section 488.)

1	Onapier AAA VI-Pi	munes,—Section	488.)
	2	3	4
Sections, sub- sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Dully fine which may be imposed,
Section 372, sub- section (3)	Direction to collect rubbish and offensive matter and deposit it in lump in street or premises	Ten rapees.	
Section 373	and offensive matter accumulating on	Ten rupers.	
Section 377, clause (b).	which building work is going on. Prohibition of use by the public for bathing, etc., of any place not constructed therefor.	Ten tupoes	
Section 381, sub- section (3)	Using building declared unfit for human habitation.	Two hundred and F	ifty rapees
Section 382, sult.	Requisition on owner and occupier to demolish, or execute work on, building declared unfit for human habitation.	I'wo hundred and F fifty rupees,	ifty report.
Section 383 ]	flequisition on owner or occupier to g furnish statement of occupants, accom- modation, etc of building.	Pwenty five impers Fr	ce tilligi 4
Section 384, sub- [ section (I)	dequisition on owner or occupier to abate To overcrowding in building or room.	wenty-five rapees Fiv	e rapees
Mediton (4)	stablishing, or materially altering, en- larging or extending, factors, etc., without permission.	ne thousand rupees Two	o hundred rup
section (1).		to hundred and Fife	7- kabu 4
rection (41 n	sing premises in declareit area for Infinity purpose referred to or mentioned in section 386.	ts ruptes Five	rujeos
3	three to comply with direction of Final lagistrate in regard to use of premises groved to be a unisance.	e bundred rupers   Oue b	andred raper
Section 389, sub- For rection (1).	oling water in carrying on trade or One samfacture.	theoreand ropers Two h	undred supers
section (f) or	ng esting-house, etc., without heense Fifty		
1.1	ping open thesire, circus or other Pro-	hardrol rapees (the la	mbre i gupeca

# (Part VIII.-Chapter XXXVI.-Penaltics,-Section 188.)

1	2	3	4
Sections, sul- sections, clauses, provisos or rules,	Subject.	Fine which may be imposed	Dully fine which may be imposed,
Section 394, sub- section (1).	Sale in manicipal market without license	Twenty five rupees.	
section 395, sub- section (2).	Establishing new private market without sanction of Corporation.	One thousand enpees	
Section 336, sub- section (1).	Keeping open, etc., private market, printiting any place to be used as private market, or using place as slaughter-house or stock-yard without liceuss, or contrary to terms of liceuse.		Twenty-five rupees
Section 798	Using as market a place which Magistrate has directed to be closed	One fundred rupees	Twenty rupees.
Section 399	Requisition to pave and drain private market, bazar, private slanghter-house or place set apart for sacrifice of annuals, set apart for sacrifice of annuals, and to alter structures in private market	1	Теп гирсез.
Section 400, sub- sections (1) and (2)	Requestion on owner or occupier of private market or Zazar to Isy out, alter, ote, approacles, reals, parsages and ways, and to provide conveniences for, and maintain, the same, and to provide ventilation and lighting of market bindling.	1	Ten supees
Section 402, sulp section (2).	Destruction, etc., of by-laws and table of charges posted up in market or slangliter-house.	Ten rupees.	
Section 403, sub- section (2)	Requisition on tenant or agent to remove himself from market or slaughter-house.	Fifty rupees	Тен гарсез
Section 405, subsection (1)	Carrying on trade of butcher or selling animals, meat or fish outside market without heense.	One laudred rapees	Тен пирееч
Section 406 sub- section (1)	Sale, etc., of adulterated or misbranded food or ilrug	Five hundred rupees,	
Section 407, sub- section (1)	Sale, etc., of milk, butter, ghee, wheat flour, mustard oil, tea, edible oil or fat or notified article, which is not of the prescribed quality.	Five handred rapees,	
Section 407, sub- section (2).	Sale, etc., of articles similar to milk, butter, ghec, etc.	Two hundred and fifty rupees	

{Bon. Act III

# (Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

	2	3	4
Sections, sub- sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed
Section 408, sub- section (1).	Registration of manufactory of mustard oil or edible oils,	Fifty rupecs	Five tupe es.
Section 408, subsection (2).	Keeping of register by owner or person in charge of maintactory of mustard oil or eduble oils in regard to substances sent out from the manufactory.	Fifty supecs	Five inpecs
Section 410, sub section (1)	Keeping or permitting to be kept sub- stance intended to be used for adul- teration of milk, butter, ghee, wheat flour, mustard oil, tea, edible oil or fat or notified acticle.	Two hundred and fifty rupees.	·
Section 411	Silo of tin or other receptacle contain- ing separated or skimmed condensed milk, not properly labelled.	Two landred and fifty rupees.	
Section 412, sub- section (1)	Sale of discased or unwholesome animal or article intended for human food.	fifty rupecs.	
Section 418, sali section (1).	Keeping shep or place for retail sale of drugs without a liceuse.	one hundred rapeos Tv	renty rapees.
Section 413, 4mb.	Display of license in premises F	ifty supecs Ter	rupeés.
Section 415, and-1 section (1)	Compounding, etc., drugs in beensed shop or place without certificate or permission.	fty rupees.	
Section 415, subsection (2).	Employing manthorized person to compound, etc., drugs in heaned shop or place.	w hundred rup es.	
Section 419, sub- section (3).	Removing, interfering or tempering with minul, took, drug, etc., seized and left in custody.	o handred raps es.	
Section 424, sub.  sections (1) (2) and (3)	food or drug required for purposes of analysis	hundred rape of	
Section 424	Sile of milk without license Our	bundred inject Ten i	njere.
ketinii 430	Equicition to furnish a list of danies from which the licensics supply of milk is obtained	y supers (Tim)	nleça

# (Part VIII.-Chapter XXXVI.-Penalties.-Section 488.)

1	2	3	4
Sections, sub- sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 431, sub- section (5).	Sale or supply of prohibited milk	Two lundred and fifty rupees for a first offence and five lumbred rupees for any subsection to offence	
Section 433	Information of existence of dangerous disease.	One bundred rupees.	
Section 435	Medical practitioners to give information of existence of dangerous disease.	Fifty enposes	
Section 437, sale section (2)	Removing or using, for the purpose of drinking or of washing clothes, water which is likely to engender or spread a dangerous disease.	Two hundred rupees	Twenty rupees
Section 438, sub- section (2).	Removal to hospital of patient auffering from dangerous disease.	One hundred rapees	
Section 439, subsection (1).	Requisition on occupier to vacate luilding or part thereof to admit of dis- infection.	Fifty rapees	Ten ropues
Section 441	Letting infected building	five hundred rapees,	
Section 442, sub- section (21.	Washing infected acticle at unauthorized place.	One landred rapees	
Section 442, sub- section (3)	Direction to disinfect or destroy articles likely to retain infection	One hundred rapies	
Section 443. sub-	Transmitting, etc., infected article	Two hundred rapecs.	).
Section 444, sub- section (1)	lafected person entering or causing or permitting himself to be carried in, or carrying of dead-body in, public conveyance.		
Section 444, sub section (3).	Carrying infected person or dead-body in public conveyance.	Two hundred rupecs	
Section 445, sub	Taking public conveyance to appointed place for disinfection.	Two hundred rapces	 
Section 445, sub	Intimation of number, and disinfection of infected conveyance	I we hundred rupees.	

[Ben. Act III

# (Part VIII.-Chapter XXXVI.-Penaltics.-Section 488.)

1		2	3	4.
Sections, s sections, cla provisos or	mses,	Sabject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 445, section (3).	sub-	Using infected public conveyance	Five hundred rupees,	
Section 446, section (2).	եսթ.	Carrying infected persons of dead ludies in other than special conveyances without sanction of Health Officer.	Two hundred rapecs.	
Section 451		Information of birth	Ten rapecs,	
Section 452		Information of death	Ten rupees.	
Section 453		Notice by medical practitioner to Health Officer stating cause of death	Fifty rupees.	
Section 455		Burying, harming or otherwise disposing of corpse without certificate.	One hundred supers,	
Section 457, section (1).	sub-	Registration of place for disposal of the dead, and depositing of plan in municipal office.	One hundred rupces,	
Section 459	j	Opening or using place for disposal of the dead without permission.	Five hundred inpecs,	
Section 460, section (2)	enp-	Prohibition of use of place of public worship, etc., for disposal of the dead.	Five handred rapiecs.	•
Section 462, section (1)	ыны	Making vault, grave or interment, et dis- posing of corpse, or exhiming corpse, in certain cases, without permission	Five hundred enpees	
Section 466, section (2)	ruh.	Census commerators to obey written in- structions of Superintendent.	Fifty raptes.	
Section 467, section (1)	sab-	Certain persons to act as census con-		
Section 498, section (5)	sul-	Production of license or written parms-	Pilty supers Te	n rujs es.
Section 509	}	person in emering into or apon- pressures	five fundied rapers for a first effence and five bundred rapecs for any sale, sequent effence	
Section 527, section (5).	ante	Occupies to afford facilities to owner for complying with Act, rules, by lines and requisitions	n a hamled empera   Two	ndy tojera

# (Part VIII.-Chapter XXXVI-Penalties,-Section 488.)

1	2	3	4
for climbal action and particular actions and alternation and action action and action	Silyst.	Fine which may be supposed	Duily fine which may be imposed.
Section 549, suit section (1), clause (a)	Direction to owner of toolling to dime- lieb the same	Five hundred rupees in the case of a massion or ildine, and lifty rupees in the case of a lot.	One hundred ruped in the case of a massing ten rupees in the case of a lut.
Shedule XIV, rule 1, subsrule (2)	Required to the owner to live down supply of water to live printers.	Fifty superes	Тен гиреся
Schelale XIV, rule 2, sul-rule(I)	tilligation on owner to pensale separate stop is to for controlling supply of militered water.		Теп тирееч
Schedule XIV, rule 3.	Requisition on owner to fix outer stop- cisck on as always to be accessible from nearest street.	Fefty tapes	Ten supera,
Schodule XIV, rub p, sub gule (3)	Receiting works for supply of water otherwise than in prosence of authorized immorpal officer.	hifty inpers.	
Schedule XIV, ruh 7, sub-rule (1)	Requirement on owner or occupier of premises to replace or after fittings for supply of water.		Five rupees,
Schedule XIV, rule 12.	fraud in respect of meter	One hundred rupecs,	
Schedule XIV, rule	Injuring meter or fittings thereof	One landred rupees.	
Schedule XV, ruic 14, sub-ruic (2).	Requisition on owner or occupier of premises to repair, flush, cleanse, etc., or tate other order with house-drain	Fifty rupes	Five rupees,
Schedule XV, rule 15, sub-rule (2).	Requisition on owner or occupier of pre- mises to repair, finsh, chanse or empty joint house-drain.		Five rupees.
Schedule XV, rule 16, sub-rule (1).	Requisition on person laying private underground drain to after or add to the work.		Five гиреея,
Schedule XV, rule 17.	Unlawfully constructing drain so as to pass beneath a binkling.	One hundred supecs	
Schedule XV, rule 21, sub-rule (4).	Attaching service-privy or service-nrmal to inhabited portion of any building.	Fifty rapees	Five rupees,

### (Part VIII.-Chapter XXXVI.-Penalties.-Section 488.)

1		2	3	4.
Sections, sub- sections, class provisos or ru	ses,	Sübject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 445.	snb-	Using infected public conveyance	Five hundred rapees.	
Section 446, section (2).	sub-	Carrying infected persons or dead bodies in other than special conveyances without sanction of Health Officer.	Two hundred rapecs.	
Section 451		Information of birth	Ten rupees.	
Section 152	•••	Information of death	Ten rapees	
Section 453		Notice by medical practitioner to Health Officer stating cause of death	Fifty rupees.	
Section 455	•••	Burying, burning or otherwise disposing of corpse without continuate.	One hundred rupces.	
Section 457, section (1).	sul)-	Registration of place for disposal of the dead, and depositing of plan in muni- cipal office	One hundred rupces.	
Section 459	•••	Opening or using place for disposal of the dead without permission.	Free hundred inpecs.	
Section 460, section (2).	enp-	Prohibition of use of place of public worship, etc., for disposal of the dead	Five hundred rapees.	
Section 462, section (1)	ոսի-	Making vault, grave or interment, or dis- posing of corpse, or exhanding corpse, in certain cases, without permission	Five hundred rapees.	
Section 466, section (2)	sul.	Census cuamerators to obey written in- structions of Superintendent	Fifty imposs.	
Section 467, section (1)	-dns	Certain persons to act as consustenii- merators	J.	
Section 498, section (5).	sub-	Production of heense or written permission.	Fifty rupces	l'en riques.
Section 509		Obstructing Executive Officer or other person in entering into or upon premises.	Two hundred rapecs for a first offence and five humbred rapecs for any sub- sequent offence.	
Section 527, section (3).	*ul,-	Occupies to allord facilities to owner for complying with Act, rules, by faws and requisitions	-	eword's subces

# (Part VIII.—Chapter XXXVI —Penalties.—Section 188.)

. 1	2	3	4
Sections, sub- sections, clauses, provisos or rules.	Subject.	Fine which may be unposed.	Daily fine which may be imposed.
Section 549, sub-sec- tion (1), clause (a).	Direction to owner of building to demo- lish the same.	Five hundred rapees in the case of a masoure building, and fifty rapees in the case of a but,	One hundred rapecs in the case of a masonry building and ten rupees in the case of a but.
Schedule XIV, rule I, sub-rule (2)	Requisition on owner to by down separate service-pipe from main for supply of water to his premises.	Fifty rupees	Ten rupecs
Schedule XIV, rule 2, substule (1).	Obligation on owner to provide separate stop cooks for controlling supply of antiltered water.	Fifty rupees	Ten rupees.
Schedule XIV, rule 3.	Requisition on owner to fix infer stop- cock so as always to be accessible from nearest street.	Fifty rupces	Ten rupees.
Schedule XIV, rule 5, sub-rule (3).	Executing works for supply of water otherwise than in presence of authorized municipal officer.	Fifty rupecs.	
Scheilule XIV, rule 7, sub-rule (1)	Requisition on owner or occupier of premises to replace or after fittings for supply of water.	l'ifty rupees	Five rupees.
Schedule XIV, rule	Fraud in respect of meter	One hundred rupees.	
Schedule XIV, rule	Injuring meter or hitings thereof	One hundred rupees.	
Schedule XV, rule 14, sub-rule (2).	Requisition on owner or occupier of premises to repair, flush, cleanse, etc., or take other order with house-drain.	Fifty rupees	Five rupees.
Schedule XV, rule 15, sub-rule (2).	llequisition on owner or occupier of pre- mises to repair, finsb, cleause or empty joint house-drain.	Fifty eupces	Five rupees.
Schedule XV, rule 16, sub-rule (1).	Requisition on person laying private underground drain to alter or add to the work.	Fifty rupees	Five гирсея.
Schedule XV, rule 17.	Unlawfully constructing drain so as to pass beneath a building.	One hundred supece.	
Schedule XV, rule 21, sub-rule (4).	Attaching service-privy or service-urmal to inhabited portion of any building.	Fifty rupees	Five rupees.

# (Part VIII.-Chapter XXXVI.-Penalties.-Section 488.)

1	2	3	4
Sections, sub- sections, clauses, provisos or rules.	Suitject.	Fine which may be imposed.	Daily fine which may be imposed.
Schedule XV, rul 22, sub-rule (1).	Placing service-privy or service-uring	Twenty rupees	Five rapees.
Schedule XV, ruk 22, sub-rule (2).	Requisition to convert service-privy o service-urinal into a connected-privy o connected-urinal.	Twenty rapees	Five inpecs.
Schedule XV, 14le 23. sub-rule (1).	Requisition to form a passage giving access to a privy or unital from the street.	Twenty rupees	Fre спросч.
Schedulc XV, rule 38.	Requisition to alter privy or minal	Twenty rupees	F1 с гиреея
ichedulo XVI, rulo 1, sub-rule (2).	Requisition to trim, prune or cut hedges and trees.	Ten rupees	Three rapees.
Schodule XVI, rulc 2, sub-rule (1).	Erection of versudah supported by pillars resting on street	Two bundred and fifty rupees.	Fifty rupees.
schedule XVI, inle 2, sub-rule (2).	Placing roof on certain verandalis .	One hundred rapers	Inenty rupces.
ichedule XVI, rule 2, sub rule (3).	Putting up verandales, etc., to project over street without permission.	Two hundred and fifty rapees.	lifiy rupees
chedule XVI, rule 2, sub-rule (5).	Requisition on owner or occupier of hudding to comply with condition subject to which permission was given to put up verandals, etc., projecting over street	One hundred rupess	uenty inpees.
chednle XVI, role 2, sub-rule (6).	Requisition on owner or occupier of littlefing to remove versuitable, etc., projecting over street.	One hundred rapes T	wouts rupees.
chedulo XVI, rale 3, sub-rula (1).	Erection or maintenance of sky-sign without permission.	Two lundred supees   Fe	fty rupeed.
ohedule XVI, rule ( 4, anh-rulo (2)	Unlawfully removing fence or shoring- timber or removing or extinguishing light.	Fifty tupeed.	
chedule XVI, rule 5, sub-rule (3).	Unlawfully infringing order prohibiting leaflic or removing bar, chain or post in street.	fifty rapecs.	
chedule XVI, rule 6, sub-rule (2).	Untawfully destroying, pulling down, etc., name of public street.	menty enjores	

# (Part VIII.-Chapter XXXVI.-Penalties.-Section 488.)

1	2	3	4
Sections, sub- sections, clauses, provisos or rules	Subject	Fine which may be unposed.	Daily fine which may be imposed.
Schedule XVI, rale 7, sub-rule (2).	Unlawfully destroying, pulling down, atc., number of premises or affixing a private number.	Twenty rupees.	
Schedule XVII, tule 5, sub-rule (1).	Requisition to provide staircases	Fifty supees	Ten rupees.
Schedule XVII, rule 5, sub-rule (2).	Requisition to provide lift or similar contrivance.	Fifty rupces	Ten rupees
Schedule XVII, rule 7, sub-rule (1).	Construction of external roofs or walls of buildings with inflaminable materials.	Fifty rapees	Five tupees
Schedule XVII, rule 7, sub-rule (2)	Requisition on owner of building to remove or after external roof or wall.	Twenty five rulees	Five rupees.
Schedule XVII, rule 19.	Sending written notice to Corporation lefore commencing to erect masoury hullding.	Twenty-five rapees,	
Schedule XVII, rule 20.	Sending written notice or certificate, or sending untrue certificate, to Corpora- tion after completion of creetion of masoury building	Fifty rupees,	
Schedule XVII, rule 22, sub-rule (1)	Requisition on aware of building to inske specified alterations	Two bouled and fifty rapees in the case of a masonry hulding, and twenty-live rapees in the case of a hut.	Twenty-five ropecs in the case of a masoury building, and five ropecs in the case of a hut.
Schedule XVII, rule 55, sub-rule (1) and sub-rule (4)	Employment of heensed building surveyor or other competent person to supervise creetion of certain majority buildings	One hundred rupees	Тси гирсез,
Schedule XVII, rule 62.	Erection of masonry building without written permasons.	Two humbred rapecs	
Schedule XVII, rule 64, sub-rule (1)	Brection of masonry building without fresh permission after lapse of original permission	One bundred rupess.	
Schedule XVII, rule 88, sub-rule (1).	Erection of but without written per- mission.	Fifty ripers	
		<del></del>	12

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# (Part VIII.—Chapter XXXVI.—Penallies.—Section 488.)

1	2	3	
Sections, sub- sections, clauses, provisos or rules,	Subject.	Fine which may be	inay
			be imposed
Schedulc XVII, rule	Erection of but without fresh permission after lapse of original permission.	Twenty-five rupees	
Schedule XVIII, rule 2.	Requisition on owner or occupier to lime-wash or otherwise cleanse building	Twenty-five rupees	Five rupees,
Schedule XVIII, rule 3.	Requisition on owner or person concerned to secure, enclose, cleanse or clear land or building winch is nutenanted, filthy or a nuisance.	Twenty-five rupees	Five rapees,
Schedule XVIII, rule 4, sub-rule (1)	Requisition on owner or occupies to take down, repair or secure wall, building or fixture in a runnous state, etc	Two hundred and fifty rupees.	One hundred inpo
Schedule XVIII, rule 4, sub rule (2).	Requisition on inmate to vacate building in rumous state, etc.	One hundred rapees	Fifty rapees.
Schefule XVIII, rule f, sub-rule (1).	Requisition on owners or occupiers to execute works or take measures with respect to buildings or block of buildings in order to prevent risk of discuso.	Five hundred impeer in the case of a masonry building or block of masonry buildings; and mon hundred rupces in the case of a hut or block of buts.	One humbed rupe in the case of mesonry fuilds or block masonry buildings, and twen rupees in the case of a but or block of huts.
Schedule XVIII, rule 7, sub rule (1).	Requisition to cleanse, fill up or de- water well, pool, ditch, tank, pond or marshy ground, or to drain off or remove waste or stagnant water.	'wo hundred rupees F	ifty tupees.
Schedule XVIII, rule 9, sub-rule (3).	Making excavation or digging cesspool, tank, pond, well or pit after prohibition.	no Immilred rupees.	
Schedule XVIII, rule 9, sub-rule (4).	Requisition on owner or occupier of faul to fill up execution, cesspool, tank, pond, well or pit unlawfully made.	fty rupos Pri	e rup-cr,

of 1923.)

### (Part VIII.-Chapter XXXVI.-Penalties.-Section 489.)

489. Whoever commits any offence by contravening any provision of the section or any of the publishable with sub-sections of this Act mentioned in the first column imprisonment, or of the following table shall, notwithstanding anything of contained in section 488, be punished, for a second conviction or subsequent offence, with fine or imprisonment, or with both, to the extent mentioned in the third column thereof.

Certain offences both, for a second subsequent

Explanation. - The cutries in the second column of the following table, he ideal "Subject" are not julended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as references to the subject thereof :-

1	2	3
Section or sub- sections	Subject,	Maximum fine or imprison- ment, or both, which may be imposed for a second or subse- quent offence.
Section 406, sub-	Sale, etc., of adulterated or mis- bramled food or drug	One thousand rupees, or im- prisonment for Three months, or both
Section 407, sub- section (1)	Sale, etc., of nulk, butter, ghee, wheat flour, mustard oil, tea, edible oil or fat or notified article, which is not of the prescribed quality	One thousand rupees, or impressionment for three months, or both.
Section 407, sub- section (2).	S.tr., cic., of articles similar to milk, butter, ghee, etc.	Five hundled tupees, or im- prisonment for three months, or both
Section 410, sub- section (1)	Keeping or permitting to be kept substance intended to be used for adulteration of milk, butter, ghee, wheat flour, mustand oil, tea, edible oil or fat or notified article.	Five hundled rapees, or im- prisonment for three months, or both
Section 411	Sale of 1in or other receptacle con- taining separated or skimmed con- densed milk, not properly labelled.	
Section 412, sub- section (1).	Sale of diseased or unwholesome animal or article inheoded for burnen food.	Five hundred

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# (Part VIII.—Chapter XXXVI.—Penallies.—Sections 490—493.)

Punishment for contravening rule made under section 447.

Punishment for acquiring share or interest in contract, etc., with the Corporation.

490. Whoever contravenes any provision of any rule made under section 447 shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

XLV of 1860

491. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or a partner or cmployer or employe, otherwise than as such officer or servant, any share or interest in any contract or employment with, by, or on behalf of, the Corportion, not being a share or interest such as, under clause (ii) or clause (iv) of proviso(a) to sub-section (1) of section 22; it is permissible for a Councillor or an Alderman to have without being thereby disqualified for being a Councillor or an Alderman, he shalf be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code!

Fine for not taking out certain heenses.

Fine for unlaw-

tally commencing, carrying on or completing build-

ing work.

492. (1) If any person-

 (α) owns or is in charge of any carriage or animal liable to any tax imposed under Chapter XI, or

(b) exercises on or after the first day of July in any year, any profession, trade or calling referred to in Chapter XII, or

(c) exercises on or after the first day of June or the first day of December in any year any calling referred to in Chapter XIII,

without having the license prescribed by those chapters, respectively, he shall be punished with fine which-

(i) may extend to three times the amount payable in respect of such license, and

(ii) shall not ordinarily be less than one-and-a-

half times such amount.

(2) Such fine, when levied, shall be taken in full satisfaction of the demand on account of the said license.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 170, fails to pay such sum, the amount due for a license being taken as the amount so compounded for.

493. If the erection of any new building-

(a) is commenced without obtaining the written permission of the Corporation, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

Kuch permission is

### (Part VIII.-Chapter XXXVI.-Penalties.-Sections 494, 495.)

(c) is earried on or completed in breach of any provision contained in this Aet or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

if any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building is commenced, carried on or completed in breach of section 330.

the owner of the building shall be liable to fine which may extend in the case of a masonry building to five hundred rupees and in the case of a hut to fifty rupces, and to further fine which may extend in the case of a masonry building to one hundred rupees and in the ease of a hut to ten rupees for each day during which the offence is continued after the first day:

Provided that where an application has been made under section 363 or section 364, no proceedings shall be instituted by the Corporation under this section.

494. When a new building has been creeted, Fire for putting or when any building has been altered or added to that declared to ufter a statement has been made, under rule 53 or rulo 81 of Schedule XVII, that it was intended to use the building or any substantial part thereof for any of the purposes specified in Schedule XIX, or as a stable, eattle-shed or cow-house, thou any person putting the building or such part thereof to any use other than that so stated shall be liable,-

- (a) in the case of a masonry building, to fine which may extend to two hundred and fifty rupees, and to further fine which may extend to fifty rupces for every day after the first during which he continues such use, and,
- (b) in the case of a lint, to fine which may extend to twenty-five rapees, and to further fine which may extend to five rapees for every day after the first during which he continues such use.
- 495. When a new building has been erected, or better to use when any building has been altered or added to under the observation of this Act without any statement having been made that without any statement having been made that without statements been statement being the control of the con under rule 53 or rule 81 of Schedule XVII, that it was 1200 declars intended to use the building or any substantial part

[Ben. Act III

(Part VIII.—Chapter XXXVI.—Penalties.—Part IX.—Chapter XXXVII.—Procedure.—Sections 496—498.)

thereof for any of the purposes specified in Schedule XIX, or as a stable, cattle-shed or cow-house, then any person using the building or such part thereof for any of those purposes shall be liable.—

- (a) in the case of a masonry building, to fine which may extend to two bundred and fifty rupees, and to further fine which may extend to fifty rupees for every day after the first during which he continues such use, and.
- (b) in case of a hut, to fine which may extend to twenty-five rupees, and to further fine which may extend to five rupees for every day after the first during which he continues such use.

Penalty on mehlers, etc., withdrawing from work without notice.

496. Any mehter or other servant of the Corporation referred to in section 376 who withdraws from his duties in contravention of that section shall be punished with fine which may extend to fifty rupees, or with simple imprisonment for a term which may extend to three months, or with both, and shall be fiable to forfeit any salary which may be due to him.

Penalty for obstructing contractor or removing mark.

497. Any person who, in contravention of section 555, obstructs or molests any person with whom the Corporation have entered into a contract, or, in contravention of section 556, removes any mark, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two mouths.

### PART IX.

### CHAPTER XXXVII.

#### PROCEDURE.

### Licenses and written permissions.

Duration, conditions, signature, suspension, rerection and production of licenses and written permissions.

(a) the date of the grant thereof;

(b) the purpose and the period (if any) for which it is granted;

### (Part IX.-Chapter XXXVII.-Procedure.-Section 499.)

- (c) the restrictions and conditions (if any) subject to which it is granted :
- (d) the name of the person to whom it is granted;
- (e) the tax or fee, if any, paid for the license or written permission.
- (2) Except when it is in this Act or in any rule or hy-law made thereunder otherwise expressly provided, for every such license or written permission a fee may be charged at such rate as may from time to time he fixed by the Corporation, and such fee shall be payable by the person to whom the license is granted.
- (3) Subject to the provisions of proviso (i) to subsection (1) of section 396, any license or written permission granted under this Act or under any rule or bylaw made thereunder may at any time be suspended or revoked by the anthority by whom it was granted, if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule or by-law made thereunder in any matter to which such liceuse or permission relates.
- (4) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall for all purposes of this Act or of any rule or by-law made thereinder be deemed to be without a liceuse or written permission until such time (whether within the said period or otherwise) as the authority granting the same may see fit to cancel the order suspending or revoking the license or written permission, or until the license or written permission is renewed, as the ease may be.
- (5) Every grantee of any such license or written permission shall at all reasonable times, while such license or written permission remains in force, produce the same at the request of the Excentive Officer.

### Public notices and advertisements.

499. Every public notice given under this Act Public notices or under any rule or by-law made thereunder shall be known. in writing under the signature of the Executive Officer, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by

[Ben. Act III

## (Part IX.—Chapter XXXVII.—Procedure,— Sections 500—504.)

advertisement in local newspapers, or by any two or more of these means, and by any other means that the Executive Officer may think fit.

Newspapers in which advertisements or notices to be published,

500. Whenever it is provided by this Act or by any rule or by-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in Calcutta.

### Evidence.

Proof of consent, etc., of Corporation or mumicipal officer

501. Whenever under this Act or under any rulo or by-law made thereunder the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the Corporation, or (b) any municipal officer,

as the case may be, a written document signed in case (a) by the Secretary to the Corporation, and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

### Signature and service of notices, etc.

Signature on notices, etc., may be stamped.

502. (i) Every license, written permission, hotice, bill, summons or other document which is required by this Act or by any rule or by-law made thereunder to bear the signature of any municipal officer, shall be deemed to be properly signed if it bears a facesimile of the signature of such municipal officer stamped thereupon.

(2) Nothing in snb-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund

under section 83.

Notices, etc., by whom to be served or issued. 503. All notices, bills, summonses and other documents required by this Act or by any rate or by-law made thereunder to be served upon, or issued to, any person, shall be so served or issued by manicipal officers or servants or by other persons authorized by the Executive Officer in that behalf.

Service how to be effected on comperor occurred occurred by this Act or by any rule or by-law made thereunder to be served upon or issued

(Part IX.-Chapter XXXVII.-Procedure.-Section 505.)

to any person as owner or occupier of any land or building, it shall not be necessary to name the owner or occupier in the document, and the service or issue thereof shall be effected-

(a) by giving or tendering such document to the owner or occupier :

Provided that if there is more than one owner or occupier and it is not in the opinion of the Corporation practicable to serve the document on every one of them, the Corporation may serve the document on any one or more of them as they think fit;

- (b) if the owner or occupier is not found, by giving or tendering such document or by souding it by registered post to any adult male member of the family, or to a servant in the employ, of the owner or occupier or of any one of the owners or occupiers:
- (c) if none of the means mentioned in clause (a) or clause (b) be available, by causing a notice on yellow paper, in the form prescribed in Schedulo XXIII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some consplenous part of the land or building to which tho document relates.

505. When any notice, bill, summons or other be effected otherdocument is required by this Act or by any tule or by- wise than law made thereunder to be served upon or issued to owner or occupier any person otherwise than as owner or occupier of any land or building, such service or issue shall be offected--

- (a) by giving or tendering such document to such person; or.
- (b) if such person is not found, by leaving such document at his last known place of abode or business in Calcutta, or by giving or tendering the same or by sending it by registered post to any adult male member of his family or servant in his employ; or,
- (c) if such person does not reside in Calcutta and his address elsewbore is known to the Executive Officer, by forwarding such document to him by registered post under cover bearing the said address; or,

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### (Part IX.—Chapter XXXVII.—Procedure.—Sections 506, 507.)

(d) if none of the means referred to in clauses (a), (b) or (c) be available, by causing a notice on yellow paper in a form prescribed in Schedule XXIII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building (if any) to which the document relates.

Sections 503 to summons.

506. Nothing in sections 503, 504 and 505 shall to Magistrate's apply to any summons issued under this Act by a Magistrate,

### Powers of entry,

Power to Exeentire Officer to

507. (1) The Executive Officer may enter into or upon any premises, with or without assistants inspect, survey, or workmen, in order to make any inspection, survey, etc., and to use force in certain measurement, valuation or inquiry, or execute any work which is authorized by this Act or by any rule or by-law made thereunder, or which, in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or of any such rulo or by-law, to make or execute:

Provided as follows :-

- (a) except when it is in this Act or in any rule or by-law made thereunder otherwise expressty provided, no such ontry shall be made between sunset and sunrise;
- (b) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no dwelling-house, and no public building or but which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;
- (c) notwithstanding any power to enter any premises conferred upon the Executive Officer by this Act or by any rule or by-law made thereundor, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed :

### (Part IX.-Chapter XXXVII.-Procedure.-Section 508.)

- (d) due regard shall always be had, so far as may be compatible with the oxigencies of tho purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.
- (2) The Executive Officer shall not use any force for the purpose of effecting any entry under subsection (1), unless-
  - (i) such entry cannot otherwise be effected, and
  - (ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule or by-law inade thereunder.
- (3) Except when it is in this Act or in any rule or hy-law made thereunder otherwise expressly provided. no claim shall lie against any person for compensation for any damage necessarily caused by any outry made under sub-section (1), or by the use of any necessary force under sub-section (2).
- 508. (1) The Executive Officer may enter upon any land adjoining or within one hundred yards of enter on lands any works authorized by this Act or by any rule or selected by-law made thereunder for the purpose of depositing upon such land any soil, gravel, sand, lino, bricks, stone or other materials, or of obtaining access to such works, or for any other purpose connected with the earrying on of such works.

Power to Exe-

- (2) The Executive Officer shall, before entering upon any land under sub-section (1), give the owner and occupier (if any) three days' previous writton notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes montioned in the said sub-section.
- (3) The Excentive Officer shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner and occapier (if any) of the land for such entry and for any temporary damage that may be done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

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### (Part IX.-Chapter XXXVII.-Procedure.-Sections 509, 510.)

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Executive Officer, he may appeal to the Corporation, whose decision shall be final.

Prohibition of obstructing entry under sections 50? Dr 508.

509. No person shall, in any way, obstruct the Executive Officer in making any entry under section 507 or section 508, or any municipal officer or other person accompanying the Executive Officer at his request or acting under his orders for the purpose of such entry.

### Enforcement of orders to execute work, etc.

Time for complying with requiand power to Corporation to enforce requisition of person directed

510. (1) When any requisition or order is made under this Act or under any rule or by-law made thereunder, by written notice issued by the Corporation or by any municipal officer empowered under or order in default section 12 in this behalf .-

> (a) a reasonable period shall be prescribed in such notice for carrying such requisition

or order into effect, and

(b) a reasonable period shall be prescribed in such notice within which any written objection thereto shall be received by tho Corporation or the municipal officer issuing the notice.

(2) If, in any case not otherwise provided for in this Act or in any rule or by-law made thereunder, such requisition or order or any portion thereof is not complied with within the period prescribed under clause (a) of sub-section (I), the Executive Officer may, subject to the provisions of sections 511, 512, and 513, take such measures, or cause such work to be executed or such things to be done, as may, in his opinion, be necessary for giving due effect to the requisition or order so made :

and, unless it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or

order was addressed.

(3) The Executive Officer may take any measure, execute any work or cause anything to be done under this section whether or not the person who has failed to comply with the requisition or order is liable to punishment, or has been prosecuted or scutenced to any panishment, under this Act or under any rule or by-law made thereunder for such failure.

### (Part IX.—Chapter XXXVII.—Procedure.—Sections 511-513.)

511. (1) Any person who is served with a written notice in which a period for receiving objections has plying been prescribed under clause (b) of sub-section (1) of notice section 510 may, within the said period, deliver to the Corporation or the municipal officer by whom it was issued a written objection setting forth any reasons which he may desire to arge for the withdrawal or modification of the notice.

Submission of objections to comwith

- (2) If any such objection be delivered before the expiration of the said period, the execution of the work shall be postponed until the Corporation or the municipal officer by whom the notice was issued has passed orders on the objection.
- (3) If the objector has stated in his written objection that he wishes to be heard in person, he shall be entitled to be so beard, and the objection shall be considered in his presence, at a time to be fixed by notice issued in this behalf by the Corporation or the municipal officer by whom the notice was issued.
- 512. (1) Any person on whom a written notice referred to in section 511, sub-section (1), has been to require estimate served may,-

Right of person ol expenses work.

- (a) instead of delivering an objection under scetion 511, or
- (b) at the time of delivering such an objection,

apply, within the period prescribed in clause (b) of sub-section (1) of section 510, to the Corporation or the municipal officer by whom the notice was issued for an estimate of the expenses which would be incurred If the notice were enforced under section 510, sub-section (2); and, on receipt of such an application, the Corporation or the said officer shall supply such estimate.

- (2) If the Corporation or the said officer fail to supply such estimate, not more than five rupees shall be charged to the said person for any work excented hy the Executive Officer by way of enforcing the said notice under section 510.
- 513. (1) If any estimate supplied under section 512 in respect of any work referred to in any written notice exceeds three hundred rupees, no work shall be executed by the Executive Officer by way of enforcing the said notice until the expiration of a fortnight from the date on which the estimate was so supplied.

(2) Within a period of seven days from the said date, the person on whom the notice was served may

Reference phiecitons Corporation.

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(Part IX.—Chapter XXXVII.—Procedure.—Sections 520-522.)

and for the discharge of which money is required, and such person has not in his hands funds belonging or payable to the owner sufficient for the purpose,

he shall, within a reasonable time from the service upon him of any notice from the Corporation or any municipal officer empowered under section 12 in this behalf requiring him to discharge the said obligation, be bound to apply to a Court of competent jurisdiction for leave to raise the necessary funds or for such other directions in relation thereto as the circumstances of the ease may require.

(2) Any receiver, agent or trustee who fails to apply to the Court under sub-section (1) shall be deemed to be personally liable to discharge the said obligation.

### Payment of compensation.

**520.** In any case not otherwise expressly provided General power to Corporation to for in this Act or in any rule or by-law made therecompensaunder, the Corporation may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act, or by any such rule or by-law, in the Corporation or in any municipal officer or servant.

Compensation to be paid by offend-ers for damage caused by them.

pay

tion.

521. (1) Any person who has been convicted of an offence against this Act or against any tale or by. law made thoreunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Corporation may consider reasonable.

(2) In the event of dispute regarding the amount of compensation payable ander sub-section (1), such amount shall, on application made to him, be determined by the Magistrate before whom the said person was convicted of the said offence; and, on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

the Corporation **522.** (1) If, when Reference by payment of any expenses referred to in section 511, their right to demand the same or the amount of the demand is disputed, the Corporation shall refer the

Corporation to Small Cause Court in certain cases.

X of 1891.

(Part IX.-Chapter XXXVII.-Procedure.-Sections 523-526.)

case for the determination of the Court of Small Causes having local jurisdiction, or if the amount involved exceeds two thousand rances, to the High Court.

(2) The Corporation shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by them, and shall, after the decision, proceed to recover only such amount (if any) as is thereby declared to be duc.

523. (1) Where in any case not provided for by Application to Small Cause section 522, the Corporation are, or any municipal court in other officer or servant or any other person is, required execute by this Act or by any rule or by-law made thereunder to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined by the Court of Small Causes having local inrisdiction, or by the High Court, as the case may be, on application being made to it for this purpose at any time within our year from the date when such expenses or compensation first became claimable.

(2) This section shall not apply to any case which is otherwise provided for in section 421, sub-section (3), section 521, sub-section (2), or section 535, subsection (2), or in the Land Agguisition Act, 1894, as

amended by section 475 of this Act.

524. If the amount of any expenses or compensa- Recovery tion determined in accordance with section 523 is supply section 523 not paid on demand by the person liable to pay the to be due. same, it shall be recoverable as if the same were due under a deerce of the Court of Small Canses.

525. Instead of proceeding in any manner here-power to sub inbefore prescribed for the recovery of any expenses for compensation. or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the Corporation or any other person claiming the sum due or the balance of the sum due, as the case may be, may recover such amount by suit brought in any Court of competent jurisdiction against the person liable for the same.

Recovery of certain dues.

526. In any case not expressly provided for in this Actor in any rule or by-law made thereunder, certain dues any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or under any such rule

Recovery distress and sale.

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(Part IX.—Chapter XXXVII.—Procedure.—Sections 527, 528.)

or by-law shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XVI.

### Obstruction of owner by occupier.

Application to Smali Cause Court by owner occurier prevents his complying with Act,

(1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or of any rule or by-law made thereunder, or with any requisition made under any such provision in respect of such land or building, apply to the Court of Small Causes having local jurisdiction.

(2) The Court, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if it thinks fit, direct that the costs of such application

and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order; and, in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

### Proceedings before Court of Small Causes.

General powers and procedure of Small Cause Cause Courts.

528. (1) Whenever under this Act or under any rule made thereunder, any application, appeal or reference is made to a Court of Small Causes, the said Court may, for the purposes of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided by the Presidency Small Cause Courts Act, 18821, or xv of 1882. the Provincial Small Cause Courts Act, 1887, as the 1x of 1887, case may be;

and, in all matters relating to any such inquiry or proceeding, the said Court shall be guided generally by the provisions of the said Presidency Small Cause Courty Act, or of the said Provincial Small Cause

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of 1923,1

(Part IX.—Chapter XXXVII.—Procedure.—Section 529.)

Courts Act, as the case may be, so far as the same

are applicable.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Court may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding, as determined by the said Court, shall be payable by such parties and in such proportions as the said Court may direct, and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the said Court.

529. (1) The Local Government may, by notification in the Calcutta Gazette, prescribe what fee (if logs before Small any) shall be paid-

Fees in proceeds

- (a) on any application, appeal or reference made under this Act to a Court of Small Causes:
- (b) for the issue, in connection with any inquiry or proceeding of any such Court under this Act, of any summons or other process:

Provided that the fees (if any) prescribed under clause (a) shall not, in eases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the tees feviable, for the time being, under the provisions of the Presidency Small Cause Courts Act, 18821, or the Provincial Small Canse Courts Act, 1887, as the ease may be, in cases in which the value of the claim or subject-matter is of like amount.

XV of 1882 1X of 1887

- (2) The Local Government may, by a like notification, determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.
- (3) No application, appeal or reference shall be received by any Court of Small Causes until the fee (if any) prescribed therefor under clause (a) of subsection (1) has been paid:
- Provided that the said Court may, in any case, in which it thinks to so to do -
  - (1) receive an application, appeal or reference made by or on behalf of a poor person, and
  - (ii) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

<sup>1</sup> General Acts, Vol. III. 2 General Acts, Vol. IV.

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### (Part IX.—Chapter XXXVII.—Procedure.— Sections 530—532.)

Repayment of half-fees on settlement before hearing.

530. Whenever any application, appeal or reference made under this Act to a Court of Small Causes, is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Court to the parties by whom the same have respectively been paid.

### Proceedings before Magistrates.

Municipa; Magistrates.

- 531. (1) The Local Government may appoint one or more Magistrates for the trial of offences against
  - a) this Act, and
  - (b) the rules or by-laws made thereunder,

and may prescribe the times and places at which such Magistrate or Magistrates shall sit for the despatch of business.

- (2) Such Magistrates shall be called Municipal Magistrates, and shall, if they are stipendiary, be paid such salary, pension and leave-allowances by the Local Government as may from time to time be fixed by the Local Government.
- (3) The Corporation shall, out of the Municipal Fund, pay to the Local Government the amounts of the safary, pension and leave-allowances as fixed under sub-section (2), together with the cost of the establishments of the said Magistrates, and all other incidental charges in connection with such establishments.
- (4) Each such Magistrate shall have jurisdiction over the whole of Calentta.

Cognizance of offences.

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- 532. All offences against this Act or against any rate or by-law made thereunder, whether committed in or without Calcutta, shall be cognizable by any Magistrate having inrisdiction in Calcutta; and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed by reason only of his heiug—
  - (a) Hable to pay any municipal rate or other lax,
    - (b) benefited by the Municipal Fund to the credit of which any fine imposed by him shall be payable.

(Part IX.-Chapter XXXYII.-Procedure.-Sections 533-535)

533. If any person summoned to appear before a Magistrate to answer a charge of an offence against case in absence of this Act or against any rule or by-law made there- accord under fails to appear at the time and place mentioned appear in the summons, the Magistrate may, if-

Magnetrate to bear

- (a) service of the summons is proved to his satisfaction, and
- (b) no sufficient cause is shown for the nonappearance of such person,

hear and determine the case in his absence.

534. (1) No person shall be liable to punishment Limitation of for any offence against this Act or against any rule or time for prosecuby-law made thereunder, unless complaint of such offence is made before a Magistrate within three months, or, if the offence be against the provisions of section 136, within six months, next after-

- (a) the date of the commission of such offence, or,
- (h) if such date is not known or the offence is continuous in its nature, the date on which the commission or existence of such offence was first brought to the notice of the Corporation or the Executive Officer.
- (2) Failure to take ont a license under this Act shall be deemed, for the purposes of snb-section (1), to be a continuing offence until the expiration of the period for which the license is required to be taken ont.

(3) When, before the expiration of the period of limitation prescribed by sub-section (1) for a prosecution for failure to comply with a requisition made by the Corporation under sections 343, 314 or 346, a notice under section 359, sub-section (1), has been sent to the Corporation by any person to whom such requisition has been addressed, a fresh period of limitation of three months for such prosecution shall be computed from the expiration of the period of six months or more referred to in section 359, subsection (3).

535. (1) The Corporation, or any person who resides or owns property in Calcutta, may complain and procedure to a Magistrate of the existence of any nuisance.

Complaints conthereupon.

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### (Part IX.—Chapter XXXVII.—Procedure.— Sections 536, 537.)

- (2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, by written order direct the Corporation—
  - (a) to put in force any of the provisions of this
    Act or of the rules or by-laws made thereunder, or to take such measures as to such
    Magistrate may seem practicable and
    reasonable for preventing, abating, diminishing or remedying such nuisance:
  - (b) to recover the expenses of so doing from any person specified in this behalf in such order; and
  - (c) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

Power to Magnetrate to direct demolition and payment of fine in respect of unlawful work

- 536. When under this Act or under any rule or hy-law made thereunder any person is liable, in respect of any unlawful work,—
  - (a) to pay a fine, and
  - (b) to be required to demolish the work,

a Magistrate may, in his discretion and subject to the provisions of sections 363, 364 and 493, direct the said person to pay the fine and also to demolish the work.

### Legal proceedings.

Power to Corporation to institute, etc, legal proceedings and obtain legal advice, 537. The Corporation may,-

- (α) institute, defend or withdraw from legal proceedings under this Act or under any rule or by-law made thereunder;
- (b) compound any offence against this Act or against any rule or by-law made thereunder which, under any enactment for the time being in force, may lawfully be compounded;
- (c) admit, compromise or withdraw any claim made under this Act or under any rule or by-law made thereunder; and

### (Part IX.-Chapter XXXVII.-Procedure.-Sections 538, 539.)

- (d) obtain such legal advice and assistance as they may from time to time think it necessary or expedient to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon the Corporation or any municipal officer or servant.
- (1) No suit shall be instituted against the Corporation or any muncipal officer or servant, or any tion and tender of person acting under the direction of the Corporation against the Corporation or any municipal officer or sorvant in respect of any poration, etc. act purporting to be done under this Act or under any rule or by-law made thereunder, until the expiration of one month next after written notice has been delivered or left at the municipal office or the residence of such officer, servant or person, stating-

Notice, limita-

- (a) the cause of action,
- (b) the name and residence of the intending plaintiff, and
- (c) the relief which he claims.
- (2) Every such suit shall be commenced within four months next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (1).

(3) If the Corporation or any person to whom any notice is given under sub-section (1), tender sufficient amends to the plaintiff before the suit is instituted. the suit shall be dismissed.

- (4) If no such tender be made, the Corporation or such person may pay into Court such sum of money as they or he think fit, and thereupon such proceeding shall be had as in other eases in which defendants are allowed to pay money into Court.
- (5) Nothing in the foregoing sub-sections shall apply to any soit instituted under section 54 of the Specific Relief Act, 18771.
- 539. No suit shall be maintainable against the indemnity to Corporation or any municipal officer or servant, or esc, any person acting under the direction of the Corporation or any municipal officer or servant, or of a Magistrate, in respect of anything done lawfully and in good faith and with due care and attention under this Act or under any rule or by-law made thereander.

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(Part X.-Chapter XXXVIII.-Supplemental provisions -- Sections 540-542.)

[Ben. Act III

#### PART X. -

### CHAPTER XXXVIII.

### SUPPLEMENTAL PROVISIONS.

Extension of Act to Howrah and to other municipalities in the neighbourhood of Calcutta.

Power to Local Government neighbouring municipality.

540. The Local Government may, by notification notify intention published in the Calcutta Gazette and in such other to extend Act to manner as they may determine, declare their intention to extend to the Mnnieipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, subject to the modifications and restrictions (if any) specified in such notification, all or any portions of this Act which do not already apply thereto.

Power to Local Government

- 541. (1) The Commissioners of the Municipality Government consideration of Howran or of such other horizontal state of Howran or of such other horizontal state of Howran or of such other horizontal state of the state of t of Howrah or of such other neighbouring municipality section 540, or any inhabitants or rate-payers thereof, may, if they object to the declaration confained therein, submit their objection in writing to the Local Government within such period as may be specified in this behalf in the said notification; and the Local Government shall take such objections into consideration,
  - (2) When the said period has expired, and the Local Government have considered the objections (if any) which have been submitted under subsection (1), the Local Government may, by notification in the Calcutta Gazette, extend to the Municipality of Howrah or to the said neighbouring municipality, or to the part thereof specified in the said notification, as the case may be, all or any of the portions of this Act which were specified in that notification, subject to the modifications and restrictions (if any) specified therein or subject to such other modifications or restrictions (if any) as the Local Government may think fit, or without modification or restriction of any kind,

Effect of exten sion of Act.

542. If all or any portions of this Act which do not already apply to the Municipality of Howrah or to any other municipality in the neighbourhood of

(Part X.-Chapter XXXVIII.-Supplemental provisions .- Section 543).

Calentia be extended to such municipality, or to any part thereof, under section 511, then-

- Ben. Act 111 18.1.
- (a) the Bengal Municipal Act, 1881, or the corresponding portions of that Act, as the ease may be, shall be repealed in the said municipality or part on and from the date of such extension; and,
- (b) except as the Local Government may otherwise by notification in the Calcutta Gazette direct, all rules, by-laws, orders, directions and powers made, issued or conferred under the nortions of this Act which have been so extended and in force at the date of such extension, shall apply to the sald municipality or part, in supersession of all corresponding rules, by-laws, orders, directions and powers made, issued or conferred under the said Bengal Mnnicipal Act 18841.

Explanation - The extension to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutts, or to any part thereof, of any portion of this Act shall not have the effect of placing the said municipality or part under the authority of the Corporation of

Inclusion of areas in the neighbourhood of Calcutta within Calcutta.

543. (1) The Local Government may, by notifieation published in the Calcutta Gazette and in such Government ments other manner as they may determine, declare their areas within Calintention to include any specified area in the neighhourhood of Calcutta within the limits of Calcutta, to be administered by the Corporation under this Act.

Power to Local

- (2) The local authority having jurisdiction in the said area or any of the inhahitants thereof, may, if they object to such declaration, submit their objection in writing to the Local Government within such period as may be specified in this behalf in the said notification; and the Local Government shall take such objections into consideration.
- (3) When the said period has expired and the Local Government have considered the objections (if any) which have been submitted under sub-section (2), and if the Bengal Legislative Council has by a resolution recommended the extension, with or without modifications, the Local Government may issue the notification including such area or any portion thereof within the limits of Calcutta, to be administered by the Corporation under this Act, and such notification

[Ben. Act III

## (Part X.-Chapter XXXVIII.—Supplemental provisions.—Sections 544, 545.)

shall thereafter be of full force and effect, and Schedule I to this Act shall be deemed to be amended accordingly.

Effect of inclu-

544. (1) When the said area is included within the limits of Calcutta, under section 543, then—

(a) the Bengal Municipal Act, 1884, or the Bengal Local Self-Government Act of 1885 or the Bengal Village Self-Government Act, 1919, as the case may be, if in force in such area, of the self-self-dependent to be repealed therein; and

(b) except as the Local Government may otherwise, by notification in the Calcutta Gazette direct, all rules, by-laws, regulations, orders, directions and powers made, issued or conferred under this Act and in force at the date of inclusion shall apply to the said area, in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers (if any) made, issued or conferred under the Bengal Municipal Act, 1834, the Bengal Local Self-Government Act of 1885, or the Bengal Village Self-Government Act, 1919, as the case may be.

(2) The Local Government may issue such orders as may be necessary to give effect to the inclusion of the said area and any matters incidental or ancillary

thereto.

#### Police.

Co-operation of 545. (1) The Commissioner of Police and his subordinates shall—

(a) co-operate with the Corporation for carrying into effect and enforcing the provisions of this Act and for maintaining good order in Calcutta, and.

(b) on the order of a Magistrate, assist the Corporation or any municipal officer or servant in carrying out any order made by a Magistrate under this Act.

(2) It shall be the duty of every police-officer in

Calcutta—

(i) to communicate without delay to the proper municipal officer may information which he receives of a design to commit or of the commission of the office against this Act or against any or by-law made theremader, and

of 1923.)

### (Part X.-Chapter XXXVIII.-Supplemental provisions.-Sections 516, 547.)

- (ii) to assist any municipal officer or servant reasonably demanding his nid for the lawful exercise of any power vesting in the Carporation or in such municipal officer or servant under this Act or under any such rule or hy-law.
- (3) On the recommendation of the Corporation, any officer or servant of the Corporation, whon empowered in that hehalf by a general or special order of the Commissioner of Police, may exercise the powers of a police-officer for such of the purposes of this Act as may be specified in such order.

546. (1) It shall be the duty of every police-officer to arrest any person who commits, in his view, any offence against this Act or against any rule or by-law made thereunder, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name or address which such officer has reason In believe to be false.

(2) No person so arrested shall be detained in eustody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time (not exceeding at the most twenty-four hours from the arrest) than is necessary for bringing

him before a Magistrate.

(3) On the written application of the Executive Officer, the Deputy Executive Officer, the Chief Engineer, the City Architect or the Health Officer, any police-efficer above the rank of constable shall arrest any persoa who obstructs any manieinal officer or servant in the exercise of any of the powers conferred by this Act or by any rule or by-law made thereunder.

#### Special provisions as to land and buildings in Hastings.

547. Notwithstanding anything contained in this Control Act, all land and buildings belonging to the Govern- Commanding the ment in that part of Hastings which is included in Fresidency Distinct over Overn-Calcutta shall be subject to the control of the General Officer Commanding the Presidency District:

Provided that this section shall in no way derogate from the powers vested in the Corporation under Chapters XVII and XVIII and any other provision of this Act enabling them in the interests of the public

Pawer to police to arrest offenders

ment land and buildings

Ben. Act III

(Part X.—Chapter XXXVIII.—Supplemental provisions—Sections 556—558.)

which he is empowered or required to do by virtue, or in consequence of, this Act or any rule or by-law made thereunder.

Prohibition of removal of mark 556. No person shall remove any mark set up for the purpose of indicating any level, measurement or direction necessary to the execution of works authorized by this Act or by any rule or by-law made thereunder.

### Construction of references and savings.

Construction of references in other enactments. 557. (1) In every enactment in force at the commencement of this Act, unless a different intention appears,—

(a) all references to the Chairman of the Corporation of Calcutta shall be construed as references to the Executive Officer.

(b) all references to the Vice-Chairman of the said Corporation shall be construed as references to the Deputy Executive Officer,

(c) all references to the Commissioners of the said Corporation shall be construed as references to the Councillors and Aldermon referred to in section 5, and

(d) all references to, or to any chapter or section of the Calentta Municipal Act, 1899. shall, Ren so far as is possible, be construct as references to this Act or to its corresponding chapter or section.

(2) The references to the General Committee in section 56, sub-sections (1), (2) and (3) of the Calcutta Improvement per Act Act, 1911, shall be construed as references to the of 1911. Corporation.

Saving of prior

558. Except as in this Act otherwise expressly provided, nothing in this Act shall be deemed to affect the provisions of any other enactment.

at of 1923.]

#### (Schedule I.-Calcutta.)

#### SCHEDULE I.

#### "CALCUTTA."

[See section 3, clause (11), and sections 483 and 543.]

"Calcutta" is the area included within the following houndaries except that it does not include:-

- (1) Fort William,1
- (2) the Esplanade, or
- (3) that part of Hastings<sup>7</sup> north of the south edge of Clyde Row and Strand Road to the river bank.

#### Boundaries.

A line drawn along the outer edge of Paramanik Ghat Road, Cossipur Road, Kasi Nath Dutt Road, Kali Charan Ghose Road and Ramkrishna Ghose Lane: thence southward along the western edge of the Eastern Bengal Railway to the point where the boundary line meets the New Canal; thence eastward along the southern bank of the New Canal to the point where it meets the Baliaghatta Canal; thence westward along the southern bank of the Baliaghatta Canal to the point where it meets Pagladanga Road; thence along the northern and eastern edge of Pagladanga Road to the point where it meets Chingrighatta Road: thence along the southern edge of Chingrighatta Road to the point where it meets Tangra Road, South ; thence along the eastern and southern edge of Tangra Road, South, to the point where it meets Topsia Road. North; thence along the eastern and southern edge of Topsia Road, North, to the point where it mects Hughes Road; thence along the eastern edge of Hughes Road to the point where the Town and Suburban High Level Sewers meet; thence along the southern edge of the new road to the point where it meets Topsia Road, South; thence along the southern edge of Top-ia Road, Sonth, to the point where it meets Tiljala Masjidbari Lane; thence along the eastern and sonthern cdgc of Tiljala Masjidbari Lane to Tiljala Road, formerly known as Maulvi Ahmad Khan Bahadur's Road; thence westward along a line drawn in

<sup>&</sup>lt;sup>1</sup> As to the Government of Fort Walliam, see the Fort Walliam Act, 1831 (XIII of 1881), Bengal Code, Vol 1.

<sup>2</sup> But as to land and buildings in Bastings, see as 647 to 650, ante.

[Ben. Act III

### (Schedule I.—Calcutta.)

continuation of the southern edge of Tiljala Masjidbari Lane to the Eastern Bengal Railway line; thence southward along the western edge of the line of that Railway, and westward along the northern edge of the. Budge-Budge Branch of that Railway, to Russa Road, South; thence southward along the eastern edge of Russa Road, South, to the point where it meets Tollyganj Circular Road; thence along the southern boundary of Tollyganj Circular Road to the point where it meets the southern boundary of the Port Commissioners' land acquired for the purpose of constructing King George's Dock and its connected works, and thence along the southern boundary of the Port Commissioners' land above referred to, as it stands at the commencement of this Act up to the point where it meets Diamond Harbour Road: thence along the eastern boundary of Diamond Harbour Road, to the point where it meets the southern houndary of the Port Commissioners' land above referred to; thence along the southern and western boundary of the said land up to the point where it meets the village Singarhatty; thence along the northern horder of villages Belpukuria, Ramdashutty, Makalbutty and Kismat Dum Dum till it meets the Government embankment; and thence westward along the Government embankment till it meets the River Hooghly; thonce along the River Hooghly to the western terminus of the outer edge of the Paramanik Ghat Road.

(Schedule II.—Corrupt practices.)

#### SCHEDULE II.

#### CORRUPT PRACTICES.

[See sections 3 (17), 22 (3), 46 and 47.]

The following shall be deemed to be corrupt practices for the purposes of this Act :--

#### PART I.

- 1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing-
  - (a) a person to stand or not to stand as, or to withdraw from being, a candidate, or
  - (b) an elector to vote or refrain from voting at an election.

or as a reward to-

of an elector.

- (a) a person for having so stood or not stood or for having withdrawn his candidature, or
- (b) an elector for having voted or refrained from voting.

Explanation .- For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses bond fide incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by this Act.

- 2. (1) Any direct or indirect interference or Under influence. attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, by any of the means hereafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a
  - (2) The means above alluded to are—
    - (a) any violence, injury, restraint, or fraud and any threat thereof:

candidate, or with the free exercise of the franchise

Bribery

45 A

Ben. Act III

### (Schedule II.—Corrupt practices.)

 (b) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritnal censure;

but do not include any declaration of public policy or promise of public action.

Personation

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether hiving or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Publication of false statements.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

#### PART II.

Acta

under

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fletitious name, or for a voting paper in his own name after he has already voted at such election.

Receipt gratification,

- 3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—
  - (a) by a person to stand or not to stand as, or to withdraw from being, a candidate; or
  - (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

candidate.

#### (Schedule II.—Corrupt practices.)

4. Any payment or promise of payment to any person on account of the conveyance of any elector conveyance, to or from any place for the purpose of recording his vote:

Payment.

Provided that nothing contained in these rules shall prevent a conveyance being hired by an elector. or by several electors at their joint cost, for the purpose of conveying him or them to or from the noll.

5. The incurring or authorization of expenses by any person other than a candidate or his election authority. agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is anthorized in writing so to do by the

Incurring

6. The hiring, using or letting, as a committeeroom or for the purpose of any meeting to which shops. electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Hirlag of liquor

7. The issuing of any circular, placard or poster having reference to the election which does not bear lars, etc., without on its face the name and address of the printer and lishers unme publisher thereof.

Issue of circu-

Name of constituency.

[Ben. Act III

Number of

seats

included in

Number of

Conneillors

### (Schedule III .- List of Constituencies.)

### SCHEDULE III.

### LIST OF CONSTITUENCIES.

(See sections 8, 20, 23, 45, 49, 50 and 51.)

[Note.-This schedule will come into force at the fourth of the general elections held under, or in the manner provided in, this Act,]

Extent of con-

riating of GodBO	mency.	stituency	•	to	be cted.	column 3 reserved for Muhammadana
1		2			3	4
		AGeneral C	oństi	tuencies	,	
Shampukur	••• )	Waid No. 1	··· j	Two.		]
Kumartuli		Ward No. 2		One.		
Bartola		Ward No. 3		Two.		
Sukeas Street		Ward No. 4		Two.		
Jorabagan		Ward No. 5	:	Two		
Jorasanko	} ·	Ward No. 6	2	rwo.		
Bara Bazar	\	Ward No 7	1	l'in ee.	- {	
Cullootola	\	Vard No. 8 .	F	our		Two,
Muchipara	] v	Vard No. 9 .	r	lires		One.
Bow Bazar	) v	Vard No. 10 .	T	wo		One.
Puddapukur	v	Vard No. 11	. 0	ne.	- [	
Waterloo Street	17	Vard No. 12	. Jo:	ne.		
Fenwick Bazar	\	ard No. 13	. Or	ie.		
Taltola	\ w	ard No. 14	Tv	. 0	0	ne.
Kalinga	w	ard No. 15	Or	e.		
Park Street	10	ard No. 16	On	e.	1	
Ramon Rustee	w	ard No. 17	One	P.	- (	

Ward No. 18

Tangra

One.

### (Schedule III .- List of constituencies.)

Name of constituency.	Extent of con- atituency.	Number of Councillors to be elected.	Number of acats included in column 3 reserved for Mulasumadans.
1	2	3	4
A.—(	General Constituen	ies-concld.	
Entally	Waid No. 19	Two	One.
Beniapukur	Ward No. 20	Two	One.
Ballyganj	Ward No. 21	Two	Оне
Bhowanipur	Ward No. 22	Three	
Alipur	Ward No. 23	One	
Ekbalpur	Ward No. 24	Two	One,
Watganj and Hastings	Ward No. 25	Two	One.
Garden Reach -	Ward No. 26	Four	Two.
Toliygan;	Ward No. 27	One	
Beliaghatta	Ward No 28	Three	One.
Maniktala	Ward No. 29	Two	One,
Belgachia	Ward No. 30	Two	
Satpukur	Ward No. 31	Two	
Cossipur	Ward No. 32	Three	One
	B.—Special Constr	nencies.	<u>.                                    </u>
	Non-territorial		
Calcutta Tradea Associa-	Non-territorial	Four.	
Calcutta Port Commis- aioners.	Non-territorial	Two.	

[Ben. Act III

Number of

Councillors to

be elected.

### (Schedule IV .- List of constituencies.)

#### SCHEDULE IV.

### LIST OF CONSTITUENCIES.

(See sections 8, 20, 23, 45, 49, 50 and 51.)

[This Schedule will remain in force in respect of all elections held prior to the fourth of the general elections held under, or in the manner provided in, this Act.]

Name of constituency.

Extent of

constituency.

	1		2		3	
-	A.—.	Non-Muha	mmadan Consti	luencies.		
Shampukur	•••	•••	Ward No. 1	•••	Two.	
Kumartuli	•••	•••	Ward No. 2		Two.	
Bartola	•••		Ward No. 3 .	•••	Two.	
Sukess Street	•••	••• ]	Ward No. 4		Two.	
Jorabagan	•••		Ward No. 5		Γwυ.	
Jorasanko	• • •		Ward No. 6	[ '	ľwo.	
Bara Bazar	•••		Ward No. 7	12	Phree	
Collootola	•••		Ward No 8	T	.0w	
Muchipara	•••		Ward No. 9	7	'wo	
Bowbazar	•••	[	Ward No. 10	0	ne.	
Puddapukur	•••	}	Ward No. 11	1	ne.	
Waterloo Street	•••		Ward No. 12	j o	ne.	
Fenwick Bazar	•••		Ward No. 13		ne.	
Taltola			Ward No. 14	10		
Kalinga			Ward No. 15	, 0		
Park Street	•••	••• }	Ward No. 16	0		
Bamun Bustee	•••		Ward No. 17	0		
Tangra			Ward No. 18	01		
Entally	•••	1	Nard No. 19			
Beniapukur	•••		Nard No. 20	Un		

of :1923.] .

### (Schrdule IV.-List of constituencies.)

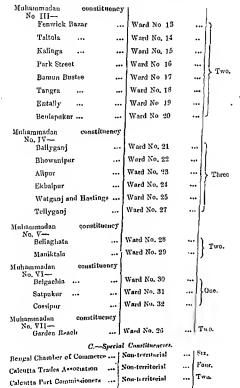
Name of co	nstituency.		Extent of constituency	у.	Number of Councillors to be elected.
			2		3
A	-Non-Muha	mma	dan Constituencies	—cone	ıld
Ballyganj		•••	Ward No. 21		One.
Bhowanipur			Ward No. 22	••• (	Three.
Alipur	•••		Ward No. 23		One.
Ekbalpur	•••	•••	Ward No. 24	}	One.
Watganj and flas	itings		Ward No. 25		One.
Garden Reach	•••		V ard No. 26		Two
Tollyganj	•••		Ward No 27	}	One.
Baliaghata	•••		Word No. 28		Two.
Maniktala		•••	Ward No. 29		One.
Belgachia	•••	•••	Ward No. 30		Two.
Satpukur	•••	•••	Ward No. 31		One.
Co-spur	•••	•••	Ward No. 32		Two.
			tadan Constituenci	ies	
Muhammadan No I—	Constitue	ncy		!	
Shampuki	ır	•••	Ward No. 1		}
Kumartuli	i	•••	Ward No. 2		1
Bartola			Ward No 3	[	
Sukeas St	reet		Ward No. 4		One.
Jorahagar	1		Ward No. 5	]	
Jorasanko			Ward No. 6		1
Bara Baza	ır		Ward No. 7	}	}
Muhammadan	constitu	encv	į.		
No. II— Colootela			Ward No. 8	1	
	_		1		
Muchipar		•	Ward No. 9		
Bowlinzar		•	Ward No. 10		Four
Puddapuk	ur		Ward No. 11		
Waterloo	Street		Ward No 12		1

[Ben. Act III

### (Schedule IV.-List of constituencies).

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
1	2	3

#### B. -Muhammadan Constituencies - concld.



of 1923.}

(Schedule V .- Return of election expenses.)

#### SCHEDULE V.

#### (See section 34.)

#### RETURN OF ELECTION EXPENSES.

- 1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.
- 2. Under the head of expenditure, there shall be shown:—
  - (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
  - (b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;
  - (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;
  - (d) the travelling expenses of persons, acting on behalf of the candidate, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his etection agent or the person so travelling;
  - (e) the cost whether paid or incurred of-
    - (i) printing,
    - (ii) advertising, (iii) stationerv.
    - (iv) postage,
    - (v) telegrams,
    - (vi) rooms hired either for public meetings or as committee-rooms, and
    - (vii) conveyances hired for taking electors to the polls;

[Ben, Act III

(Schedule V.-Return of election expenses.)

- (f) any other miscellaneous expenses whether paid or incurred.
- Note. (1) All expenses neutred in connection with the candidature, whether paid by the candidate, his election agent, or any other person, or remaining supaid on the date of the return are to be set out.
  - (2) For all items of Rs 5 and over, unless from the nature of the case (e.g. travel by the rail or postage) a receipt is not obtainable, vonchers are to be attached.
  - 13) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.
  - (4) All sums unpaid are to be set out in a separate list
- 3. The form of affidavit referred to in section 34 shall be as follows:—

### A ffidavit.

(Sd.)

Election agent or candidate.

Solemnly affirmed before me.

(Magistrate.)

· of ·1923,]

(Schedule VI.-Rules as to licenses for the exercise or carrying on of professions, trades and callings .-Rule 1.)

#### SCHEDULE VI.

RULES AS TO LICENSES FOR THE EXERCISE OR CARRY ING ON OF PROFESSIONS, TRADES AND CALLINGS.

(See sections 20, 175, 176, 177 and 211.)

1. Every license shall be granted under one or Classes of other of the classes mentioned in the second column of leach, as the classes mentioned in the second column of lax of l of the following table, and there shall be paid annually for the same the fee mentioned in that behalf in the third column of that table :-

1	2		8
berial No.	Classes		Fccs.
	Class	I.	
1	Company or association or body of individuals, the paid up capital of which is equivalent to twenty laklis of rupees or upwards,	on any profession, trade or calling what-	rupers.
	Class II	ι.	
2	Company or association or body of individuals, the paid-up capital of which is equivalent to ten laking of suppose or upwards,	on any profession, trade or calling what-	Two hundred and fifty supces.
	Class I	11.	
3	Merchant, Lanker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier,	of business is valued under Chapter X at	rapee*
4	Taxi-cab owner, having twenty or more taxi-cala.	1.00-01	Ditto

[Ben. Act III

# (Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

		·	. 111111111
	2		3
Seria No.	Classes	•	Fees.
	CLAS	38 IV.	<u> </u>
5	Company or association or body of individuals, the paid-up capital of which is equivalent to one lakh of rupees or up- wards,	which exercises carries on any prof sion, trade or calle whatsoever, but is a included in Class I Class II.	not
6	Merchant, banker, wholesale trader, commuseion agent, engineer, archivect, builder, contractor, auctioneer or carrier,	who is not included in Class III and the rent of whose place business is value under Chapter X. Rs. 350 per mensent upwards.	he of ed at
?	Owner or occupier of a cotton, jute, hide or other sciew-house or press-house,	the sent of whose plat of business is value under Chapter X in Rs. 350 per mensem oupwards.	ed   nt
8	Owner or occupier of a market, basar or theatre or a place of public entertainment kept up for the purpose of profit,	the rept of whose place of business is valued under Chapter X at Rs. 350 per mensem of upwards.	d
9	Printer, publisher, lithographer, engraver, die-sinker, photo- grapher or phototyper,	Ditto	Ditto.
10	Proprietor of a newspaper, periodical or journal,	Difto	Ditto.
11	Hotel-keeper, boarding-house- keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	Ditto	Ditto.
12	Bookmaker or turf accountant.		Ditto.
13	Keeper of a shop for the sale of any liquor or interacting drug.		Ditto
4	Taxi-cale owner, having ten or more, but less than twenty taxi-cales.		Ditto.
5	Stevedores		Ditta

(Schedule V1.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2		3 .
Serial No.	Class	e	Fees.
	CLASN V		
16	Company or association or body of individuals, the paid-up capital of which is less than one labt of supees,	which exercises or carries on any profession, trade or calling what- soever.	Fifty rupees.
17	Consulting and practising physician, practising surgeon, licentiate of medicine or surgeon, kabiraj, graduste of the Bengal Veterinary College, midwife, dentat, barrister, attorney, rakil of the High Court, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, shroff or banan,	in respect of whose in- come income-tax is payable.	Ditto
18	Merchant, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, authorier or carrier,	who is not included in Class III or Class IV.	Ditto.
19	Broker or dalat employed in the wholesale transfer or purchase of imports or exports, country produce, silk or other merchandise.		Ditto
20	Commercial traveller	•••••	Ditto
21	Dealer in precious stones		Ditto.
22	Broker or dealer in houses, landed property, Government securities, shares or bills of exchange	·-·-	Ditto.
23	Freight hroker		Ditto. Ditto
24	Owner or occupier of a market, bazar or theatre, or a place of public entertainment kept up for the purpose of profit,	who is not included in Class IV.	Ditto
25	Owner or occupier of a wholesile tobacco, jute or other depôt,	whose place of business is valued under Chap- ter X at Rs 100 per mensem or upwards.	Ditto

[Ben. Actill

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings,—Rule 1.)

	7		
1	2		3
Serial No.	Class	ses,	Fees.
	Chass V—	concld.	,
3€	Proprietor of a newspaper, periodical or journal,	Class IV and the r of whose place of bi- ness is valued on Chapter X at Rs. 1	ent   usi- der
27	Printer, publisher, hthographer, engraver, die-einker, photo- grapher or phototyper,	Ditto	Ditto.
28	Owner or occupies of a cotton, jute, hide on other screw-house or press-house,	Ditto .	Ditto.
29	Hotel-keeper, boarding-house- keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	Ditto .	Ditto.
30	Order-supplier or house decorator,	the rent of whose place of business is value under Chapter X a Rs. 100 per men sem or upwards.	a t
31	Taxi-cub owner, having five or more, but less than ten taxi-cubs.	*****	Ditto.
32	Owner of a steam ferry-boat or steam cargo-boat	*****	Ditto
33	Pawnbroker or money-louder.	*****	Ditto.
34	Plumber, electric fitter or gas- t fitter,	he rent of whose place of business is valued under Chapter X at Rs 100 per mensem or upwards.	Ditto,
35	Pleader, is	re-pect of whose in- come income-tax is payable.	Ditto.

## (Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2		3
Serial No.	Classes.		Fecs.
	Class	vi.	
36	Consulting and practising physiciau, practising arrgeon, licestiate of medicine or surgery, Labrar, graduate of the Bengal Veteruary College, midwife, dentist, barnster, attorney, rakil of the High Court, praction, notary public, public accountant, average adjuster, statistical reporter, analyst, shroff or bame,	by whom no income-tax is payable	Twenty-five rupces.
37	Insurance agent, broker or canvasser.	*****	Ditto
38	Purchaser of goods in Calcutta for transport and sale beyond the limits of Calcutta.		Ditto.
39	Broker in precious stones		Ditto.
40	Surveyor (including a licensed building surveyor) or profes- sional measurer	•••••	Ditto.
41	Practising apothecary, or practising veterinary surgeon.	*** **	Ditto.
42	Keeper of a billiard room	******	Ditto.
43	Owner or occupier of a whole- sale tobacco, jute or other depôt,	who is not tucheded in Class V, and the rent of whose place of busi- ness is valued under Chapter X at Rs 30 per mensem or upwards,	Ditto.
44	Pleader,	by whom no income-tax is payable.	Ditto.
45	Printer, publisher, htthographer, engraver, die-sunker, photo- grapher or photetyper,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 per mensem or upwards	Duto.

(Beri. Act III

# (Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2	3
Seria No.	Classes.	Fees.
	CLISS V—concid.	1
26	Proprietor of a newspaper, periodical or journal,  Class IV and the ren of whose place of bus nees is valued under Chapter X at 8s, 100 per mensem or up. wards.	t)
27	Printer, publisher, hthographer, Ditto engraver, die-einker, photo- granher or phototyper,	Ditto.
28	Owner or occupier of a cotton, Litto jute, hide or other sciew-house or press-house,	Ditto.
29	Hotel keeper, boardung house- Ditto keeper, lodging-house-keeper, inanufacturer, retail trader or shop keeper,	Ditto.
30	Order-supplier or house decora- tor, the tent of whose place of business is valued under Chapter X at Re. 100 per men- sem or upwards.	Ditto.
31	Taxi-cab owner, having five or more, but less than ten taxi-cabs.	-Ditto-
32	Owner of a steam ferry-hoat or steam cargo-boat	Eleto
13	Pawnbroker or money-lender	Ditto.
14	Plumber, electric fitter or gas- fitter, the reut of whose place of business is valued under Chapter X at Rs 100 per measem or upwards.	Ditto
isi	Pleader, in respect of whose in- come meaning in payable.	Ditto.

## (Schedule V1.—Rules as to licenses for the exercise or earrying on of professions, trades and callings.—Rule 1,)

1	2		3
Serial No.	Classe	s.	Fees.
	Class	vi.	
36	Consulting and practising physician, practising surgeon, incentiate of medicine or eurgery, tabiraj, graduate of the Bengal Veterinary College, midwife, dratust, barrister, attorney, radii of the High Court, practor, notary public, public accountant, average adjuster, statistical reporter, analyst, threef or banian,	by whom no income-tax is payable	Twenty-five rapces.
37	Insurance agent, broker or canvasser.		Ditto.
38	Purchaser of goods in Calcutta for transport and sale beyond the limits of Calcutta.		Ditto.
39	Broker in precious stones	1	Ditto
40	Surveyor (including a licensed building surveyor) or profes- sional measurer	······ j	Ditto.
41	Practising apothecary, or practising veterinary surgeon.		Ditto.
42	Keeper of a billiard room	******	Ditto.
43	Owner or occupier of a whole- sale tobacco, jute or other depôt,	who is not included in Class V, and the rent of whose place of busi- ness is valued under Chapter X at Rs 30 per measem or upwards.	Ditto
44	Pleader,	by whom no income tax is payable.	Ditto.
45	Printer, publisher, lithographer, engraver, die-sinker, photo- grapher or phototyper,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at 13 30 per mensem or upwards	D <sub>1</sub> 1to.

[Bøn. Act III

# (Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	1		····
	12		3
Serial No.	Class	Fees.	
	CLASS VI-		
4G	Dyer or cleaner,	the rent of whose place of business is valued under Chapter X at Rs. 30 per mensem or upwards.	Twenty-five rupees.
47	Owner or occupier of a cotton, jute, hide or other screw-house or press-house,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at IIs, 30 per mensem or upwards.	Ditto.
48	Hotel-keeper, boarding-house- keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at Ra. 30 per measem or upwards	Ditto.
49	Order supplier or house decorator,	who is not included in Class V, and the rent of whose place of bustness is valued under Chapter X at Rs 30 per mensem or upwards.	Ditto.
50	Keeper of baths,	the rent of whose place of business is valued under Chapter X at Rs 30 per mensem or anywards	Dilto.
51	Taxi-cab owner, having less than five taxi-cabs.		htto.
52		in Class V, and the rent of whose place of husiness is valued under Chapter X at Re 30 per mensem or upwards.	htto.
53 (	Earriage-dealer or horse-dealer, U	the rept of whose place of huminess is valued under Chapter X at Rs. 30 per messen or upwards.	ito.

## of 1923.)

## (Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2		3
Serial No.	Classon		Fors
	C1149 VI	const.t	1
84	Property of a periodical or journal,		Twenty-five rupecs.
:5	Private detective		Ditto,
56	Professional astrologer	••••	Ditto
57	Pod Lie or inques elianger,	the rent of whose place of business is valued under Chapter X at Bs. 15 per mensem or upwards.	Ditto.
58	Professional pickey or race- herse trainer.	•••••	Ditto
	CLASS VI	ıı	
59	Broker or datal,	who is not included in Class V	Twelve rupees.
60	Bulhtear		Ditto.
61	Professional draftsman		Ditto.
62	Professional artist, sculptor, sctor, singer or inusician.		Ditto
63	Fortune-teller		Ditto
64	Keeper of a permanent stall in a daily market,	who is not included in any higher class.	Ditto.
65	Reeper of a shop within fifty yards of a daily market who is a seller of goods similar in kind to other goods sold in such market,	Ditto	Ditto
66	Poddar or money-changer,	the rent of whose place of business is not less than Rs. 5, but not more than Rs. 15.	Ditto.

Ben. Act III

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2		3
Serial No.	Classes	Fees.	
	CLASS VII-		
67	Medical practitioner (whether registered under the Bengal Medical Act, 1914, or other- wise), practising apothecary, hakim, kabraj, graduate of the Bengal Veterinary College, or midwife,	who is not included in Class VI and by whom no income-tax is pay- able.	Twelve cupee
63	Proprietor of a periodical or journal,	who is not included in Class IV, Class V or Class VI, and the rept of whose place of business is valued under Chapter X at Its 10 per mensem or upwards.	Ditto.
69	Owner of a cargo-boat		Ditto.
70	Professional horse-breaker		Dit to.
71	Labour-supplier, heensed shipping broker, bost-sup- plier or custom-house agent		Ditto.
72	Printer, publisher, hthogra- pher, engraver, die-sinker, photographer er phototyper,	who is not included in Class IV, Class V or Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 15 per mensen or up- wards.	Ditto
73	Byer or cleaning are	the is not included in Class VI, and the rent of whose place of business is valued under Chapter X at Rs 15 per menium of upwards.	Ditto.
74	manufacturer retail trader or shop-keeper.	ho is not included in Class IV, Class V or Ulass VI, and the rent of whose place of business is valued under Chapter X at the. 15 per measure upwards.	Ditto.

## of 1923.]

# (Schedule VI.—Rules as to livenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2	3
Serial No.	Classe4	Fees.
	CLASS VII-concld.	
75	Order supplier or house decorator, who is not included in Class V or Class VI, and the rent of whose place of business is valued under Clasper X' at Rs 15 per mensem or upwards.	
76	Plumber, electric-fitter or gas-who is not included in fitter,  Class V or Class VI, and the rent of whose place of business is valued under Chapter X at Rt. 15 per mensem or upu ards.	Ditto.
77	Carriage-dealer or horse-dealer, who is not included in Class VI and the rent of whose place of business is valued under Chapter X st Rs. 15 per mensem or upwards.	Ditto.
78	Owner of any carriage, passent the rent of who-e place ger-boat or palanquin which is let out for hire,  Rs. 15 per mensem or upwards	Ditto.
79	Band-suppher or stamp-sendor, Ditto	Ditto.
	CLASS VIII	
83	Keeper of a shop or other who is not included in place of business, any other class.	Four rupees.
81	Pedlar, vendor of goods in who is not included in carts, hawker or box callah, Class IX.	Ditto.
82	Professional petition, letter orbill-writer.	Ditte.
	CLASS IX.	
83	Itinerant dealer hawking goods for sale in a basket or tray.	One rt pee.

Ben. Act III

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.— Rules 2—5.)

Licenses to be either personal or local.

- 2. (1) Licenses shall be either personal or local.
- (2) "Personal license" means a license which is not a local license, and includes a license granted to a company or association or body of individuals,
  - (3) "Local license" means-
    - (a) a license the classification of which depends on the valuation of the place of business, and
    - (b) a license granted under Class IV, number 13, or Class V, number 32, or number 33, or Class VI, number 42, or number 43, or class VII, number 64, or number 69, or class VIII, number 69 or class VIII, number 60 in the table in rule 1

Personal license required for each separate profession, trade or calling,

3. When any person carries on two or more professions, trades or callings which are separate or independent of one another and for each of which a personal license is required, he shall be liable to take out a personal license for each such profession, trade or calling:

Provided that, if, in the opinion of the Executive Officer, any such profession, trade or calling is auxiliary to the carrying on of one or more of such other professions, trades or callings, such person shall only be required to take out a liceuse under the highest of the two or more classes in the table in rule 1 under which his liability accrues.

Personal license of members of firms. 4. When two or more persons carry on business jointly, they may take out a single license as a firm:

Provided that, if any of the partners of such firm exercises or carries on any separate profession, trade or calling on his own account or jointly with other partners, a separate license shall be taken out in respect of every such profession, trade or calling.

Local license required for each business. 5. A separate local license shall be taken out in respect of the business carried on in each separate place of business:

Provided that—

(a) separate licenses shall not be required in respect of any business carried on in adjacent premises which form one place of business or in any yards, godowns or factories which are maxiliary to any place of business; and

of 1923.]

- (Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings. -Rules 6-10.)
  - (b) the amount of the valuation of such premises. yards, godowns or factories shall be included in the computation for determining the class under which the license shall be taken
- 6. When a place of dustries and has not been place of dustries portion of one set of premises and has not been not separately valued under Chapter X, the valuation chapter X. thereof for the purposes of these rules shall be the rate per mensem at which such place of business might, in the opinion of the Executive Officer, reasonably be expected to let.

7. When any person exercises or carries on a When both personal and local prefession, trade or calling for which a personal hoense required license should under these rules be taken out, and is also the owner or occupior of a place of business for which a local license should be taken out, he shall, if the Corporation so direct, take out both a personal license and a local license:

Provided that, where the place of business is auxiliary to the exercise or carrying on of the profession. trade or calling, only one license shall be required, and such license shall be either personal or local as the Cornoration may direct.

8. Where the owner or occupier of any place of Occupier ordibusiness is required to take out a license, the license herese shall be taken out by the occupier if the business is carried on by the occupier, but otherwise by the owner.

9. (1) As soon as may be after the first day of April in every year, the Executive Officer shall prepare a list of the companies, associations, bodies and persons licensed for the next preceding year.

Annual list of

(2) Such list shall contain the particulars specified in section 498, sub-section (1), and shall be kept at the municipal office and be open to public inspection at all reasonable times.

Continuance of lisbility in same

10. Any person who has taken out a liceuse for the next preceding year, or has been fined under section distance 492 for not taking out a license during that year, shall, subject to the other provisions of these rules, be presumed, unless he proves to the contrary, to be liable and entitled to take out a license for the current year under the class in which he was included for such preceding year.

(Ben. Act III

(Schedule VI.-Rules as to licenses for the exercise or carrying on of professions, trades and callings.-Rules 11-13.)

Time for presentation of applica-

11. (1) Any person who claims a remission or tions for remise refund of a license fee under proviso (a) to section 175, in respect of any year, shall present an application to the Corporation before the first day of September in the next following year,

(2) Any person who-

- (i) has taken out a license for the next preceding year or has been fined under section 492 for not taking out a license during that year, and,
- (ii) in consequence of any change in his profession, trade, calling or place of business, or for any other reason, claims an exemption or declaration under proviso(b) or proviso (c) to section 175.

shall present an application to the Corporation before the first day of September in the current year.

Power to Executive Officer to take out licenses,

- 12. (1) If the Executive Officer considers-(a) that any person who has not taken out a license in the next preceding year ought to
- take out a license, or (b) that any person who has taken out a license for such year, but has not done so for the current year, ought to take out a liceuse under a higher class, or to take out more than one liceuse.

he may serve such person with a notice directing him to take out a license or licenses for the next preceding year or the current year, as the case may be, under such class or classes as may to the Excentive Officer seem proper.

(2) If the Executive Officer considers that any person who has taken out a license for the current year ought to have taken out a license under a higher class, he may serve such person with a notice directing him forthwith to take out a license under such higher class for that year:

Provided that when such license under a higher class has been taken out, the amount paid in respect of the license in the lower class shall, unless such person is liable to take out both licenses, be refunded

to him.

When any person is summoned for not taking Executive offeet to prove out a license, aml service of notice under rule 12, liability when out a license, aml service of notice under rule 12. liability when service of notice sub-rule (1), is not proved, it shall be incumbent on the Executive Officer to prove that the person so res proved

of 1923.]

Scheöule VI -Rules as to licenses for the exercise or carrying on of professions, trades and callings.— Rules 14-17.5

summoned is liable to take out a license, and to state the class under which he is so liable.

14. Any nerson dissatisfied with an order made under this schedule may appeal either -

Appeal to Bench or to Court of Small Causes

(a) to a Bench consisting of not less than three Councillors or Aldermen to be elected by the Corporation : or

(b) to a Court of Small Causes having inrisdiction in the place in which the profession, trade or calling is alleged to be excreised or carried on a

Provided that no appeal shall lie under this rule unless the amount payable for the license, as assessed In accordance with the said notice, has been deposited with the Corporation:

Provided also that where an assessee has taken out a lieense for the next preceding year, the sum to be denosited under the first proviso to this rule shall not exceed the amount which he paid in such year,

15. Any person who is desirons of appealing under rule II shall, within thirty days of the passing of the appellant. order or the service of the notice, referred to in that rule, submit to the Secretary to the Corporation a petition setting forth the grounds of appeal,

Statement

and the petitioner shall intimate whether he intends to appeal to the Bench under clause (a), or to a Court of Small Causes under clause (b), of rule 11:

Provided that no appeal shall be made to a Court of Small Causes under rule 14 until the expiration of a period of one month from the submission of a petition under this rule.

When an appeal is made under these rules to a Court of Small Causes, the Court may follow the procedure prescribed in section 528, and the order of the said Court shall be final.

17. When no appeal is preferred under these Finality rules, the order of the Corporation or the Executive order of Corpora-Officer, as the case may be, shall be final.

Procedure Court in appeal

tion or Executive Officer when no

[Ben. Act III"

(Schedule VII.-Wards for purposes of valuation.)

## SCHEDULE VII.

## WARDS FOR PURPOSES OF VALUATION.

(See section 131.)

Serial	'	Boundaries of Ward-					
num- ber of Ward	Name of Ward.	Ou the north-	On the south.	On the east.	On the west.		
1	2	3	4	5	6		
1	Shampukur	The Circular Canal	Ultadingi Road and Grey Street		and the Chitrut		
2	Kumartuli	The River Hooghly	Nintala Ghad Street and the road leading to Nuntala Ghat.	Road and the			
3	Bartola	Grey Street and Ultadingi Hoad.	Beadon Street and Maniktala Road.		Upper Chitpur Road and Upper Circular Road.		
4	Sukens Street	Beadon Street and Maniktala Road	Machua Bazar Street and Gas Street.		Cornwallis Street.		
5	Jorabagan	Nuntala Ghat Street and the road lead- ing to Nintala Ghat.	Mirbahar Ghat	Upper Chitpur Itozd.	The River Houghly.		
6	Jorasanko	Beadon Street	Machua Bazar Street.	Cornwallis Street	Upper Chitpur Boad.		
7	Bara Bazar	Mirbahar Ghat Street and Cotton Street.	Street, Dalhousie Square, North, Fairlio Place and a line drawn in conti- mation of Fairlie Place to the river bank.	Road.	The River Hooghly		
8	Colloctols	Machina Bazar Street	Bow Barar Street	College Street 1	ower Chique Road		

f 1923.]

## $(Schedule\ VII.-Wards\ for\ purposes\ of\ valuation.)$

rial			BOUNDARIES OF WARD-					
r of ard	Name of Ward.	On the north.	On the south.	On the east.	On the west.			
1	2	3	4	ŧ	8			
9	Muchipara	Machna Bazar Street and Gas Street.	Bow Bazar Street and Baliaghatta Road including the new diver- sion.	The Circular Canal	Cellege Street.			
10	Bow Bazar	Bow Bazar Street	Dharamtala Street	Wellington Street	Bentinck Street.			
11	Paddapukur	Ditto	Ditto	Lower Citcular Road,	Wellington Street,			
12	Waterluo Street	Lal Bazar Street, Dalhousie Square, North, Fairle Place and a line drawn in continua- tion of Fairle Place to the river back.	Lawrence Road and Esplanade,	i	The River Heoghly			
13	Fenwick Bazar	Dharamtala Street	Kyd Street and Ripon Street.	Wellesley Street	Chowringhee Road and part of Free School Street.			
14	Taltala	Dharamtala Street	Ripen Street	Lower Circular Road.	Wellesley Street			
15	Kalinga	Vipon Street	Theatre Road	Ditto	Wellesley Street and Wood Street.			
16	Park Street	Kyd Street and Ripon Street.	Ditto	Wood Street and Wellesley Street	Chowringhee Road.			
17	January Director	Theatre Road	Lower Circular Road.	Lower Circular Road.	Ditto.			

[Ben. Act

## (Schedule VII .- Wards for purposes of valuation.)

Serial	) 		1	BOUNDARIES OF WARD—				
num- ber of Ward.	Name of Ward.		On the north.	On the south.	On the east,	On the west.		
1	2		3	4	5	1 6		
18	Tangra	•••	Balliaghatta Canal aud Pagladanga Road			the Eastern Ber Railway.		
19	Entally	•••	Baliaghatta Road, including the new diversion and the Culcular and Balia- ghatta Canals.	Beniapukur Roas, Phulbagan Road, South Road aod Christopher Road.	Kakurgachi Chord and the Eastern Bengal Radway.	Lower Circular Road		
20	<b>I</b> Seniapukui	The state of the s	Beniapukur Road Phuluagan Road, South Road aud Christopher Road	The Calcutta Improvement Trust new 100 ft. road tunning from Beckbagan Lane and Lower Circular Road corner and meeting the Park Gircustoff the Park Gircus meeting Darga Road, and in its continuation, the new 60 ft. Calcutta Improvement Trust Road Trust Road to the Eastern Bengal Rallway.	Ditto	Ditto.		

f 1923.]

## (Schedule VII.-Wards for purposes of valuation.)

erial					
um- er of Fard.	Name of Ward.	On the north.	On the south.	On the east.	On the west.
1	3	3	1	5	6
21		Lower Gireular Road, the Calcutta Improvement Trust new 100 ft. road irnning from Beckbagan Lane and Lover Circular Itoad Corner and meeting the last Circus, the now 100 ft. Calcutta Improvement Trust Road from the Park Circus meeting Darga Road and, in its continuation, the new 60 ft. Calcutta Improvement Trust Road from Darga Road and to the Eastern Bengal Railway, thence along Tijalak Road to the gofint where it meets Topsia Road, South,	Bondel Road and a line drawn straight from the Eastern Bengal Ranbay to the southern edge of Tilpala Masjidbari Lane end the eouth- ern edge of Tilpala Masjidbari Lane Alasjidbari Lane		Lansdowne Road.
22	Bhowanipur	Lower Circular Road.	Hazra Road, Nepal Bhatta- charji Street to Tolly's Nullali.	Lanedowne Road and Russa Road, South.	Tolly's Nullah and Zeerut Bridge Approach.
23	Alipar	Tolly's Nullah	Tollyganj Gircular Hood and the southern boondary of the land acquired by the Port. Commessioners for the Dock extension as existing at the time of the commencement of the Act up to the point where it meets Diamond Harbour Hood	Tolly's Nullah	Diamond Harbonr Road and Kilder- pore Bridge Ap- proach.

|Ben. Act III

(Schedule VIII .- Tax on carriages and animals.)

## SCHEDULE VIII.

## TAX ON CARRIAGES AND ANIMALS.

(See section 165.)

	,	Per half-year.
		lls A. P.
1	On every four-wheeled carriage propelled by mechan- cal power (other than electricity) not having less than four cylinders and in tespect of which the product of the overall length of the carriage multiplied by the track exceeds 55 square feet	30 0 0
2	On every four-wheeled carriage propelled by mechanical power (other than electricity) not having less than four cylinders and in respect of which the product of the overall length of the carriage multiplied by the track exceeds 45 square feet, but does not exceed 65 square feet	24 0 0
3.	On every four wheeled carriage propelled by mechanical power (other than electricity) having less than four cylinders on in respect of which the product of the overall length of the carriage multiplied by the tank does not exceed 45 square feet	18 0 0
4.	On every four-wheeled carriago propolled by electri- city and on every three-wheeled carriage propelled by electricity or other mechanical power	18 0 Q
5.	On every broycle, tricycle, side-car, or similar vehicle propelled by mechanical power not included in class 1, class 2, class 3 or class 4	10 0 ¢
ű.	On every four-wheeled carriage drawn by two horses	12 0 0
7.	Where any person owns more than one carriage included in class &, then on every such carriage after the lirst	8 0 0
8	On every four-wheeled carriage drawn by one horse, pony or mule, or a pair of ponies or males under 13 hands	6 0 U
Q	On every two-wheeled carriage drawn by one or more	6 0 0
	animals	2 0 0
10	On every juricksham On every horse (not being a race horse)	6 1) <sup>5</sup>
11.	On every race horse	24 O B
13.	On every pony or mule of or over 13 hands	600
14.	On every pony or mulo under 13 hands	200
	· · · ·	

of 1923.] .

## (Schedule IX.—Scavenging-tax.)

## SCHEDULE IX.

#### SCAVENGING-TAX.

## (See section 179.)

#### PART I .- PERSONS BY WHOM THE TAX IS PAYABLE.

Swineherd Shepherd Goatherd. Owner or occupier of a market

#### PART II .- RATES OF FEE FOR LICENSES.

		ľ	er 1	alf	year.
			lis	٨.	P.
I or every	horse	•••	Ü	0	U
1 11	pony or mule of er over 13 hands	•••	b	0	0
11 1	pony or mule under 13 hands	•••	3	0	0
11 11	bull or buffalo used for drawing a cart		1	8	0
11 11	cow or buffalo kept by a milk-seller	***	C	12	0
1. 11	donkey or swine	•••	0	12	0
	ten sheep or goats	••	3	υ	0
For every	twelve cubic feet of offensive matter				
rubbish	or part thereof, removed on an average	laily			
from a	market	•••	30	0	0.

Ben. Act III

(Schedule X .- Form of nolice of demand.)

#### SCHEDULE X.

FORM OF NOTICE OF DEMAND.

[See sections 190 (1) and 206 (1) ]

cT

A. B.

residing at

Take notice that the Corporation of Calcutta demand from you ("as owner or occupier) the sum of due from you on account of the consolidated rate (or tax, as the case may be) for there describe the premises on account of which the rate is leviable or the carriage, animal, profession, trade or calling on account of which the tax is payable) for the quarter (or half-year, or year) commencing ending) on the day of . and that if the said sum is not paid into the municipal office or to an officer appointed to receive the nt. same, or if sufficient cause for non-payment of the same is not shown to the satisfaction of the Chief Executive Officer within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this

day of

(Signed.)

Exocutive Officer, Calcutta Corporation.

<sup>•</sup> In the case of a demand on the occupier of any premiers under section 19%, state that notice of demand less been served upon the owner and that the sum due remains imported.

of 1923()

(Schedule XI .- Form of warrant of distress.)

#### SCHEDULE XI.

#### FORM OF WARRANT OF DISTRESS.

[See sections 191 (1), 198 (1) and 210 (1).]

To (here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the consolidated rate (or tax, as the case may be) for the quarter (or half-year or year) commencing (or ending) on the day of although the said sum has been duly demanded in writing from the said A. B., and seven days have clapsed since the service of the notice of demand;

[or Whereas the proceeds of the sale of the inovable property of A. B., of , distrained under a warrant dated , and sold under section 197, are not sufficient to cover the sum distrained for;

And whoreas the sum of is still due from tho

said A. B.;]

[And whereas the said sum has been increased under section 208 (or section 209, as the case may be),

This is to direct you to distrain the movable property of the said A. B. (or, as the case may be, any movable property found on the premises in respect of which the said rate is due) to the amount of the said sum of and such further sum as may be sufficient to defray the costs of recovering the said amount; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said movable property; and having paid and deducted out of the proceeds of the sale the said sum of and the costs of recovering the same, to return the surplus (if any) and if the same be demanded within three years from the date of the sale, to the person whom you shall find in possession of the said movable

If sufficient distress cannot be found of the movable property of the said A. B. for on the said premises, as the case may be, you are to certify the same to me

together with this warrant.

Dated this

property.

day of (Signed.)

Executive Officer, Calcutta Corporation,

(Schedule XII.—Table of fees payable on warrants of distress.)

## SCHEDULE XII

## TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

## [See section 191 (3).]

	Sum distrained for.						
							Rs. A.
Unde	r 5 ruj	pees					0 4
Rupe	es 5 ar	id unde	r Rs	. 10			0 8
•,	10	**	,,	15			0 12
**	15	,,	**	20			1 0
,,	20	**	,,	25		/	1 1
,.	25	**	,,	30	•••	- (	1 8
,,	30	17	٠,	35	••		1 12
,,	35	"	,	40			2 0
7-	40	,,	,,	45			2 4
,,	45	,,	7*	50		(	2 S
,,	50	,,	,,	60			3 0
17	60	,,	,,	80		{	3 12
,,	80	,,	,,	100			1 8
Above	100 rt	ipees			•••	-	5 0.

The above fees are to include all expenses except when prints are kept in charge of property distrained in which case eight anness shall be paid daily for each print in employed.

THE CALCUTTA MUNICIPAL ACT, 1923

of 1923.)

(Schedule XIII.-Form of notice of sale.)

SCHEDULE XIII.

FORM OF NOTICE OF SALE.

(See section 194.)

To

A. B.

residing at

Take notice that I have this day seized the movable property specified in the inventory set out below for the sum of the for the consolidated rate (or tax, as the case may be) for the quarter (or half-year or year) commencing (or ending) on the that, unless you pay into the municipal office at the amount due, together with the costs of recovery, within seven days from the date of this notice, the said property will be sold.

Dated this

day of

(Signature of the Officer executing the Warrant of Distress.)

Inventory.

(Here state particulars of the movable property seized.)

|Ben. Act III

(Schedule XIV.-Rules as to private connections to premises and meters.-Rules 1-4.)

### SCHEDULE XIV.

RULES AS TO PRIVATE CONNECTIONS TO PREMISES
AND METERS

(See sections 232, 240 and 488.)

Private connections to premises.

Separate servicepipes for separate premises.

- 1. (1) All premises connected with the filtered water-supply shall be provided with separate service-pipes from the municipal main.
- (2) In any case in which a service-pipe from a main is used for supplying filtered water to two or more premises, the Corporation may, by written notice, require the owners of such premises to lay down separate service-pipes for separate premises; and the expense of so doing shall be borne by all such owners in such proportion as may be determined by the Corporation.
- (3) The Corporation shall not delegate to any municipal officer their power to make a requisition by written notice under sub-rule (2).

Separate stopcocks and underground hydrants or taps for supply of molitered water to private premises

- 2. (1) In premises connected with the municipal water-supply, separate stop-cocks shall be provided by the owner for controlling the supply of unlitered water for the purposes mentioned in chanse (i) and clause (ii), respectively, of sub-section (2) of section 221.
- (2) When unfiltered water is supplied for any of the purposes mentioned in clause (ii) of sub-section (2) of section 221, it shall be so supplied as to be capable of being diawn only from hydrants or tops fixed below the surface of the ground.

Onter stop-cocks.

3. When any premises are about to be connected with the municipal mains, the Corporation may, by written notice, require the owner of the premises to fix a stop-cock in some position outside the premises which is necessible at all times from the nearest street.

Bire of ferenles.

4. (1) Filtered or unfiltered water supplied under Chapter XVII to any premises shall be supplied according to the numual value of such premises, as determined numer Chapter X, through of 1923.]

## (Schedule XIV.—Rules as to private connections to premises and meters.—Rule 5.)

a ferrule of the size prescribed therefor in the following table :-

Annual value of premiers as determined under						SIZE OF FERRULE.			
Chapter X.					Filt		ered ater.	Unfiltered water.	
From	1 to	590 :	inbec4	(both melusive)	٠	1	inch	inch inch	
14	600 to	1,199	**	**	•••	ŧ		ž .,	
**	1,200 In	2,399	••			14		1	
**	2,400 to	3,599	••	**	•••	3	**	ł "	
						71	**	1	
3,	000 tubers	or more			•••	}	. "	₹ + er	
						١1	**	1	

#### Provided as follows :-

- (a) the Local Government may, on the recommendation of the Corporation, substitute any other scale for the scale of ferrules prescribed in the said table:
- (b) if any premises be so situated that the ferrule prescribed therefor in the said table or under proviso (a) is too small to pass, within a period of six bonrs, the daily supply of water to which the occupier of the premises is entitled under section 223, the Cornoration shall permit the use of a larger ferrule for such piemises.
- (2) Where a ferrule used at the commencement of this Act for the supply of water to any premises is larger than that prescribed for such premises in subrule (1) or nuder proviso (a) to that sub-rule, as the case may be, the Corporation may, at the expense of the municipal foud and after giving one month's notice in writing to the owner of the premises, substitute for such ferrule one of the size so prescribed.

5. (1) The service-pipe for carrying water from Construction of the municipal mains into any piemises, and the pipes, rules and work. taps and works (other than ferrales) within such premises, shall be of such character, dimensions and materials as the Corporation may fix and approve, and shall be made and constructed at the expense of the person requiring the same.

(2) The said ferrules shall be of such character and material as the Corporation may fix and approve, and except as provided in rule 4, sub-rulc (2), shall be affixed at the expense of the occupier of the premises.

[Ben, Act III

(Schedule XIV.—Rules as to private connections to premises and meters.—Rules 6-8.)

(3) The said service-pipe, and all fittings thereon for carrying water from the municipal mains into any premis s. and all ferrules, pipes, taps, works and tittings inside the premises, shall in all cases be executed subject to the inspection of the Corporation and to their satisfaction:

and the connection of premises with the municipal mains, and the laying of supply-pipes under any public street or thoroughfare, shall be executed in the presence of a municipal officer authorized in that

behalf, and in no other way.

(4) Such service-pipe, fittings, ferrules, pipes, tups and works may be made by the servants and workmen of the Corporation upon such terms as may be agreed upon between the Corporation and the person requiring the water-supply, or subject to such charges as may be fixed by them;

and, when they are to be so made, the Corporation may require the cost thereof to be paid or deposited

before the work is excented.

6. The Corporation may inspect any premises supplied with water under Chapter XVII in order to examine all pipes, taps, works and fittings connected with the supply of water, and to ascertain whether

there is any waste or misuse of such water.

7. (1) It any pipes, taps, works or fittings connected with the supply of filtered or unlittered water in any premises be found, on examination by the Corporation, to be defective, they may, by written notice, require the owner or ecupier of the premises—

(a) to replace such fittings, or

(b) to make such alterations therein as may be specified in the notice:

Provided that where any ferrule is obstructed owing to silt or other matter being deposited therein, the Corporation shall themselves cleanse such ferrule

and replace it in proper order.

(2) If any notice issued under sub-rule (1) is not complied with within forty-eight hours, the Corporation may forthwith carry out the work, and the cost thereof shall be payable by the person to whom the notice was issued.

8. (1) Before a connection for the supply of water from the municipal mains to any premises be suntioned by the Corporation, they shall cause all the works, pipes, taps and fittings within such premises to be inspected by a duly qualified officer

l'ower to Corporation to ingpect premi-es.

itepiacing or alteration of fittings for supplying water

Inspection of works, etc., by qualified offer letter permitting materials with mains

of 1923, ]

(Schedule XIV.-Rules as to private connections to premises and meters.—Rules 9-11.)

(2) Until the Corporation have certified that the said works, pipes, taps and fittings have been executed and put up in a satisfactory manner, no connection with the municipal mains shall be made.

#### Meters.

9. (1) If the owner or occupier of any premises Testing of meter. to the service-pipe of which a meter is attached desires to have the meter tested, he may send a written application to the Corporation, and such application shall be accompanied by a fee of five rupees.

(2) Upon receipt of any such application and fee the Corporation shall forthwith cause such meter to be tested, at a time and place to be specified in a notice

to be served upon such owner or occupier.

(3) If such meter is found, upon being so tested, to register more than two per cent. in excess of the correct quantity, the said fee shall be returned to the

person who sent it.

10. If a meter which has been tested under rule 9 Payment does not register more than two per cent. in excess of occupier in case the correct quantity, the amount payable under meter. section 238 shall be calculated according to the quantity indicated by the meter; but if the meter registers more than two per cent, in excess of the correct quantity, the quantity indicated shall, for the purpose of calculating the amount payable under section 238, be reduced by double the percentage of the excess registered:-

#### Provided that-

- (a) if such excess is more than ten per cent., no charge shall be made under section 238; and
- (b) no reduction shall be allowed, in calculating the charge for excess under section 238, on account of the incorrectness of the meter. except on the amount payable for the quarter in which the application referred to in rule 9, sub-rule (1), is received.
- 11. When any meter attached to the service-pipe Booter. of any premises is out of order or under repair, the Corporation shall forthwith replace it by another meter.

Replacing

Ben. Act III

(Schedule XIV.—Rules as to private connections to premises and meters.—Rules 12-13.)

Prohibition of fraud in respect of meter

- 12. No person shall fraudulently-
  - (a) alter the index to any meter, or prevent any meter from duly registering the quantity of water supplied, or
- (b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

Prohibition of injuring meter or fittings

13. No person shall wilfully or negligently injure or suffer to be injured any meter belonging to the Corporation, or any of the fittings of any such meter.

of 1923,1

· (Schedule XY .- Rules as to drains, privies and urinals.—Rules 1-4.)

#### SCHEDULE XV.

Rules as to drains, privies and urinals.

[See sections 266, 273, 274, 277, 278, 282, 284, 285, 286, 287, 364 (6) and (7) and 488.]

#### Drains.

1. (1) Every person who intends to construct a Plans of househouse-drain, or to make any substantial additions to, mitted to Corporaor alterations in, a house-drain, shall send to the Cor-tion. poration an application in such form (to be supplied free of charge) as may be prescribed by the Corporation, and shall state therein the name and address of the licensed plumber who will execute the work and the purposes for which the drain is to be used.

(2) Such application shall be accompanied by a plan, in triplicate unless the Corporation otherwise direct, drawn to a scale of eight feet to the inch for such smaller scale as the Corporation may consider

sufficient), and showing-

(a) the premises to be drained and the boundaries thereof.

(b) the position of all existing filtered water pipes within the premises,

(c) the alignment, gradient and size of the pronosed house-drain and its appurtenances,

(d) any existing drains and their apportenances. and

(e) any other particulars which may be prescribed by the Corporation.

2. Every underground house-drain constructed after the commencement of this Aet shall consist of good sound pipes made of glazed stoneware or other suitable material, and shall have water-tight joints made of Portland cement or any other cement approved by the Executive Officer.

3. Every such house-drain shall be of adequate Size. size, with an internal diameter of not less than-

- (a) six inches between the master-trap and the sewer, and
- (b) four inches at all other places.

4. No such house-drain shall be so constructed as Angles. to form in any of such drains a right-angled junction, either vertical or borizontal, and every branch drain

Material

[Ben, Act III

# (Schedule XV.—Rules as to drains, privies and urinals.—Rules 5-8.)

or tributary drain shall be joined to another drain obliquely, at an augle of .not less than one hundred and thirty-five degrees, in the direction of the flow of such other drain.

How to be laid.

- 5. Every such house-drain shall be-
- (a) laid upon a bed of good concrete of such width as may be approved by the Executive Officer, and not less than six inches thick,

(b) covered for half its depth with concrete not

less than four inches thick, and

(c) so constructed as to have a proper fall.

Probibition of inlet within building.

6. Every such house-drain shall be so constructed as to prevent any inlet to the drain other than such inlet as may be required from the apparatus of a connected-privy or urinal or a slop-sink constructed or adapted to be used for receiving sewage) being made within the premises.

Traps. 7. (1) In every such

7. (1) In every such house-drain a suitable trap shall be provided.

(2) Such trap shall be placed—

(a) within the premises, or,
(b) with the approval of the Corporation and on payment of such fees as may be proscribed by the Corporation, in the footnath or (if there is no footpath) in the

roadway adjacent to the premises, and
(c) at a point as distant as may be practicable
from the premises and as near as may be
practicable to the point at which the
drain is connected with a manicipal

sewar.

(3) Every inlet to any such house-drain (other than an inlet provided in pursuance of rule S as an opening for the vontilation of the drain) shall be properly trapped.

8. The ventilation of every such house-drain

shall be provided for as follows:~

(1) at least two untrapped openings shall be made-

(a) one opening shall be made at or near the level of the surface of the ground adjoining the opening, shall be as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), shall be on that side of such trap which is nearer to the premises, and shall communicate with the drain by means of a suitable pipe, shaft or disconnecting chamber;

Ventil itian.

of 1923.]

## (Schedule XV.-Rules as to drains, privies and urinals.-Rule 8.)

- (b) the second opening shall be made by carrying up, from a point in the drain as far distant as may be practicable from the point at which the opening mentioned in subclause (a) is situated, a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet;
- (2) in any case in which the Executive Officer considers it impracticable to enforce the provisions of sub-clause (a) and sub-clause (b), the two openings prescribed by clause (l) shall be made as follows:—
  - (i) one opening shall be made by carrying up from a point as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet; and such opening shall be situated on that side of the said trap which is nearer to the memises;
  - (ii) the second opening shall be made at a point in the drain as far distant as may be practicable from the point at which the said pipe or shaft is carried up, shall be at or near the level of the surface of the ground adjoining the opening, and shall communicate with the drain by means of a suitable pipe or shaft:
- (3) every opening provided under this rule shall be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in, or injury to, any pipe or drain by the introduction of any substance through the opening;
- (4) such grating or cover shall be so constructed and fitted as to secure the free passage of air through it by means of a sufficient unmber of apertures, the aggregate extent of which shall be not less than the sectional area of the pipe or drain to which the grating or cover is fitted;
- (5) every pipe or shaft referred to in this rule shall be of a sectional area not less than that of the

Ben. Act ttl

(Schedule XV.-Rules as to drains, privies and urinals.-Rules 9, 10.)

drain with which the pipe or shaft communicates and not less than the sectional area of a pipe or shaft of the diameter of four inches :

- (6) except with the written permission of the Corporation, no bend or angle shall be formed in any pine or shaft referred to in this rule:
- (7) where the situation, height, sectional area and mode of construction of the soil-pipe of any connectedprivy or connected-urinal, or the waste-pipe from any slop-sink situated within any premises, are such as are prescribed by this rule for a pipe or shaft for ventilating a drain, such soil-pipe shall, with the consent of the Executive Officer, be deemed to provide the opening which, under this rule, is required to be provided by means of a pipe or shaft,

Soil-pipe connected neity or umnai

- 9. The soil-pipe of every connected-privy or connected-urinal constructed after the commencement of this Act or provided for a new building shall-
  - (a) be at least four inches in diameter.
  - (b) he fixed outside the privy or urinal, or outside the building in which the privy or urinal is situated, and be continued apwards without any diminution of its diameter,
  - (e) be of such height and be so placed as te afford, by means of the open end of the pipe, a safe outlet for sewer air,
  - (d) whenever practicable, be so constructed as to avoid any bend or angle, and
  - (ε) be so constructed as to have no trap between the pipe and the drains with which the privy or usinal communicates, and no trap other than such trap as necessarily forms part of the apparatus of the privy or urinal) in any part of the pipe.

Ventilation of

- 10. Where any such connected-privy or connectedventation of con-nected pricy or nrival has no internal communication acc-nected pricy or nrival, then,— arms detached ing other than the pricy or nrival, then, urinal has no internal communication with any build-
  - (a) if the distance between the privy or urinal and the trap provided under rule 7, sub-rule (I), in the drain with which the privy or urinal communicates is not more than ten feet, no ventilation-pipe need be fixed in the soll-pipe;

of 1923,]

## (Schedule XV.—Rafes as to drains, privies and urinals.—Rafes 11, 12.)

- (b) if the said distance is more than ten feet but not more than thirty feet, a ventilationpipe shall be fixed in the soil-pipe at a point as far distant as may be practicable from the trap provided under rule 7, sub-rule (1); and such pipe shall be placed vertically to such height and in such manner as effectually to prevent any escape of foul air from the pipe into any building in the vicinity thereof, and in no case to a less height than ten feet, and shall be of a sectional area not less than that of the drain with which it communicates, and not less than the sectional area of a pipe of the diameter of four inches;
- (c) if the said distance is more than thirty feet the soil-pipe shall be ventilated in the manner prescribed by rule 8.
- 11. (1) The following pipes in any new building, namely:-

Waste pipes

- (a) the waste-pipe from any bath-sink (not being a slap-sink constructed or adapted to be used for receiving sewage, or layatory,
- (b) the overflow-pipe from any eistern or from any safe under a bath or connected-privy or connected-grinal, and
- (c) every other pipe for carrying off waste water,

shall be taken through an external wall of the bailding, may, if the Executive Officer so directs, be provided with a snitable trap, and shall be so constructed as to discharge into the open nic over a channel leading to a trapped gully-grating at least eighteen inches distant from that end of the pipe from which the water issues.

- (2) The waste-pipe in any such building from any special positive constructed or adapted to be used for receiving sewage shall be constructed so as to comply with such of the rules in this schedule as iclate to the soil-pipe of a connected-privy or connected-urinal.
- 12. (1) Every open house-dmin constructed after the commencement of this Act, or provided for a new building, for the purpose of discharging surface or sullage water, shall be constructed of brick masonry or concrete covered with a plaster containing not less than twenty-five per cent. of Pottland cement or

Open house.

[Ben. Act III

(Schedule XV.—Rules as to drains, privies and urinals.—Rules 13—16.)

any other cement approved by the Executive Officer or of natural or artificial stone, or of glazed half-round pipes.

(2) Every such open house-drain shall be connected with a municipal sewer through trapped inlets in the manner prescribed under this Act or under any rule or by-law made thereunder for other house-drains.

Type-plans.

13. Type-plans for the construction of house-drains shall be prepared by the Corporation and kept open to the inspection of any applicant at the municipal office at all reasonable times without charge.

Maintenance of house-drains kept up for the benefit of certain premises only.

14. (1) Every house-drain which is situated in, alongside or under any street, and which has been or shall be constructed, whether at the charge of the municipal fund or not, for the sole use and benefit of, or which is continued for the sole use and benefit of, any premises adjoining or near to such street,

shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owner or occupier of such premises as the Corporation may direct.

(2) The Corporation may, by written notice, require such owner or occupier, as the case may be-

(a) to repair, flush, cleanse or empty such housedrain, or

(b) to take such other order with such housedrain as the Corporation may deem necessary.

Muintenance of house-drains jointly used by two or more premises.

t 15. (I) Every house-drain whether constructed at the charge of the municipal fund or not which is jointly used for the drainage of two or more premises, shalf be maintained and from time to time repaired, finshed, cleansed and emptied by the owners or occupiers of such premises as the Corporation may direct.

(2) The Corporation may, by written notice, require the said owners or occupiers, as the case may be, to carry oftensy work referred to in sub-rule (1), and the cost thereof, whether incurred by the said owners or occupiers or by the Corporation under section 510, sub-section (2), shall be paid by the said owners or occupiers in such proportion as the Corporation may think fit.

l'ower to Executive Officer to supervise and require alteration of work of laying ur terproupd drain.

16. (I) When any underground drain, which is not a municipal drain, is being laid, the Executive Officer may cause the work to be supervised and may from time to time, by written notice to the person carrying out the work, require the making of any reasonable.

of 1923.1

## (Schedule XV .- Rules as to drains, privies and urinals.—Rules 17—19.)

alteration or addition therein or thereto, or the abandonment of any part thereof, if such alteration, addition or abandonment appears to him to be necessary for ensuring the complete and satisfactory excention of the work.

(2) If any requisition under sub-rule (1) is not complied with, the Corporation may stop the work and dismantle anything which has been done in contravention of such requisition, and the expenses of so doing shall be paid by the person to whom the requisition was addressed.

17. Except with the written permission of the Corporation and in conformity with such conditions drain ben as may be prescribed by the Corporation, either building generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

The following provisions shall be observed Drains passing 18. when any drain is, with the permission of the ing. Corporation granted under rule 17, constructed so as to pass beneath a building, namely :-

(1) the drain-pipe shall be of iron or such other material as the Executive Officer may approve;

(2) the drain shall be so laid as to leave, between the top of the drain at its highest point and the surface of the ground beneath the building, a distance of not less than the full diameter of the drain:

(3) the drain shall be laid in a direct line throughout the whole distance beneath the

building;

(4) the drain shall be completely embedded in, and covered with, good and solid concrete at least six inches thick all round;

(5) adequate means for vontilating the drain shall be provided (where necessary) at each end of such portion thereof as lies beneath the building.

#### Privies and urinals.

19. (1) Every person who intends to construct any Plans of privies privy or arinal or to make any substantial additions and urmals to be to, or alterations in, any privy or urinal, shall send to position. the Corporation an application in such form (to be supplied to the applicant free of charge) as may be prescribed by the Corporation.

[Ben, Act III

# (Schedule XV.—Rules as to drains, privies and urinals.—Rules 13—16.)

any other cement approved by the Executive Officer or of natural or artificial stone, or of glazed half-round pipes.

(2) Every such open house-drain shall be connected with a municipal sewer through trapped inlets in the manner prescribed under this Act or under any rule or by-law made thereunder for other house-drains.

Type-plans

13. Type-plans for the construction of house-drains shall be prepared by the Corporation and kept open to the inspection of any applicant at the municipal office at all reasonable times without charge.

Maintenance of house-diams kept up for the benefit of certain premises only.

14. (1) Every house-drain which is situated in, alongside or under any street, and which has been or shall be constructed, whether at the charge of the municipal fund or not, for the sole use and benefit of, or which is continued for the sole use and benefit of, any premises adjoining or near to such street.

shalf be maintained and from time to time repaired, flushed, cleansed and emptied by the owner or occupier of such premises as the Corporation may direct.

(2) The Corporation may, by written notice, require such owner or occupier, as the case may be—

(a) to repair, finsh, cleanse or empty such housedrain, or

(b) to take such other order with such housedrain as the Corporation may deem necessary.

Maintenance of house-drains jointly used by two or more premises.

- at the charge of the municipal fund or not which is jointly used for the drainage of two or more premises, shall be maintained and from time to time repaired, flushed, clemsed and emptied by the owners or occupiers of such premises as the Corporation may direct.
- (2) The Corporation may, by written notice, require the said owners or occupiers, as the case may be, to carry out any work referred to in sub-rule (1), and the cost thereof, whether incurred by the said owners or occupiers or by the Corporation under section 510, sub-section (2), shall be paid by the said owners or occupiers in such proportion as the Corporation may think lit.

Power to Executive Officer to aupervise and require alteration of work of Trying underground drain.

16. (1) When any underground drain, which is not a municipal drain, is being laid, the Executive Officer may cause the work to be supervised and may from time to time, by written notice to the person carrying out the work, require the making of any reasonable

of 1923.]

## (Schedule XV,-Rules as to drains, privies and urinals.—Rules 17—19.)

alteration or addition therein or thereto, or the abandonment of any part thereof, if such alteration, addition or abandonment appears to him to be necessary for ensuring the complete and satisfactory execution of the work.

(2) If any requisition under sub-rule (1) is not complied with, the Corporation may stop the work and dismantle anything which has been done in coutravention of such requisition, and the expenses of so doing shall be paid by the person to whom the requisition was addressed.

17. Except with the written permission of the nonnection

- Corporation and in conformity with such conditions desired ben ben as may be prescribed by the Corporation, either building generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building. 18. The following provisious shall be observed beneath a build-
- when any drain is, with the permission of the ing Corporation granted under rule 17, constructed so as to pass beneath a building, namely :-(1) the drain-pipe shall be of iron or such other material as the Executive Officer may
  - approve; (2) the drain shall be so laid as to leave, between the top of the drain at its highest point and the surface of the ground beneath the building, a distance of not less than the full diameter of the drain;
  - (3) the drain shall be laid in a direct line throughout the whole distance beneath the
  - (4) the drain shall be completely embedded in. and covered with good and solid concrete at least six inches thick all round:
  - (i) adequate means for ventilating the drain shall be provided (where necessary) at each end of such portion thereof as hes beneath the building.

### Practice and urinals.

19. (1) Every person who intends to construct any anterest restorate to privy or urinal or to under any substantial additions and exists to be to, or alterations in, any privy or original, shall send to per on. the Corporation an application in such form ito be supplied to the applicant free of charges as may be prescribed by the Corporation.

[Ben. Act III

(Schedule XV.—Rules as to drains, privies and urinals.—Rules 20, 21.)

- (2) Such application shall be accompanied by-
  - (a) a site-plan, in triplicate unless the Corporation otherwise direct, drawn to a scale of not less than twenty feet to the inch and showing all surroundings to a distance of fifty feet from the privy or urinal, and
  - (b) a detailed plan in triplicate of the privy or urinal with sections and cross-sections, drawn to a scale of four feet to the inch and showing—
    - (i) the means of ventilation.
    - (ii) (for connected-privies and connectedurinals only) the position and capacity of the reserve tank and flushing eistern,
    - (iii) (for connected-privies and connectedurinals only) the size and position pipe, soilwater-pipe, appurtenances.
    - (iv) the ground-level and the floor-level,
    - (v) all pipes and other appurtenances in connection with the filtered water-supply, and
    - (vi) any other particulars which may be prescribed by the Corporation:

Provided that where any privy or urinal forms part of any bailding for which an application has been made under rulo 52 of Schedulc XVII, the particulars required under this rule may be attached to such application.

Power to Corporation to refuse to sanction service-privy or service-urital which will be a nuisance.

Regulation of site of serviceprivies and service-urinals.

- 20. The Corporation may, for reasons to be recorded by them in writing and furnished to the applicant free of charge, refuse to grant permission to cleet any service-privy or service-urinal which will, in their opinion, be a nuisance.
- 21. (1) No service-privy or service-urinal exceeding eleven feet in height shall be placed in the space required by this Act to be left at the back of a building.
- (2) No service-privy or service-urinal situated in, or adjacent to, a building shall be placed at a distance of less than six feet from—
  - (i) any public building, or

of 1923,1

## (Schedule XV .- Rules as to drains, privies and urinals.—Rules 22—24.)

- (ii) any building which is, or is likely to be, used as a dwelling-place, or a kitchen, or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business.
- (3) No service-privy or service-urinal shall be constructed in any premises occupied by a masonry building, or, without the special sanction of the Cornoration, in any other premises which are situated in a street which has been sewered and has an adequate unfiltered water-supply.
- (4) Every service-privy and service-urinal shall be detached from the inhabited portion of any building.
- 22. (1) No service-privy or service-urinal shall be placed on any upper floor of a building :

Provided that, if in any case the Corporation for service-prives considers it impracticable or inexpedient to provide a nals for serviceconnected-privy or a connected-urinal, they may, by written notice, authorize the owner of the building to erect a service-privy or a service-urinal, as the case may be.

(2) The Corporation may, by written notice, require the owner of any building to couvert any serviceprivy into a connected-privy and any service-urinal

into a connected-urinal.

23. (1) If there is no convenient access from a street to any service-privy or service-urinal, and if the Corporation consider it inexpedient to require provide access to that the privy or urinal be converted into a connectedprivy or connected-urinal, as the case may be, they from street may, if they think fit, by written notice, require the owner of the privy or urinal to form a passage giving access thereto from a strect.

Power to Corporation to reservice-privy

Power to Corporation to require

sub-titution connected-privies

- (2) Every notice served under sub-rule (1) shall require that such passage be formed at ground-level, be not less than four feet wide, and be provided with a suitable door, and shall inform the said owner that the passage may, at his option, be either open to the sky or covered in.
- 24. Models and type-plans of privies and urinals approved by the Corporation, with estimates of the tyre-plans. eost of constructing privies and urinals in accordance therewith, shall be kept in the municipal office, and shall be open to inspection by any person at all reasonablo times without charge; but no person shall be bound to construct any privy or urinal in accordance

Ben. Act III

(Schedule XV,-Rules as to drains, privies, and urinals.-Rules 25-27.)

with any such model or type-plan if such privy or urinal be constructed in accordance with the other rules contained in this schedule.

Drams,

- 25. (1) A drain shall be provided for every service-privy and every service-trinal.
- (2) Such drain shall be constructed of some impervious material and shall connect the floor of the privy or urinal—
  - (a) with a drain communicating with a manicipal sower, or,
  - (b) if permitted by the Corporation, with an impervious cesspool the contents of which can be removed to a municipal sewer either by hand or by flow after filtration.

Floor.

- 26. (1) The floor of every privy and levery urinal shall .-
  - (a) if the Executive Officer in any case so directs, be made of one of the following materials, to be selected by the owner of the privy or urinal, that is to say, glazed tiles, artificial stone or cement, or
  - (b) if no such direction is given, be made of thoroughly well-burnt surthen tiles or bricks plastered (and not merely pointed) with cement, and
  - (c) be in every part at a height of not less than six inches above the level of the surface of the ground adjoining the privy or urinal.
- (2) The floor of every service-privy and every service-urinal shall have a fall or inclination of at least half an inch to the foot towards the drain prescribed by rule 25.
- (3) The floor of every connected-privy and connected-urinal in which the opening of the pan is placed on the level of the floor shall have a fall or inclination towards the pan of at least half an inch to

the foot

Walls and roof.

27. The walls and the roof (if any) of every privy and every urinal shall be made of such materials as may be approved by the Corporation:

#### Provided that-

(a) in the case of service-privies and serviceurinals, the entire surface of the walls below the platform shall either be rendered in cement or be made as prescribed in chause (a) or chase (b) of sub-rule (1) of rule 26;

## (Schedule XV .- Rules as to drains, privies and urinals.—Rules 28—31.)

(b) in the ease of connected-privies and connectedurinals the walls shall, up to a height of at least twelve inches above the ulafform. be made as prescribed in clause (a) or clause (b) of sub-rule (I) of rule 26

28. The platform of every privy and every urinal shall either be plastered with eement or be made of

some water-tight non-absorbent material.

29. Every privy and every urinal situated in, or adjacent to, a building shall have an opening, of prives and urinals not less than three square feet in area, in one of the building walls of the privy or urinal, as near the top of the wall as may be practicable and communicating directly with the open air.

30. (1) Every service-privy and service-prinal

regard to such privies, urinals and receptacles,

shall be provided with a movable recoptacle for provided with a sewage. (2) The following provisions shall have effect with

namely:-(a) the space beneath the platform of the privy or urinal shall be of such dimensions as to admit of a movable receptacle for sewage, of a capacity not exceeding two culne feet, being placed and litted beneath the platform in such manner and position as will effectually prevent the deposit, otherwise than in such receptacle, of any sewage falling or thrown through the sperture in

the platform: (b) the privy or urinal shall be so constructed as to afford adequate access to the said space for the purposes of cleansing it and of placing therein, and removing therefrom, a proper receptacle for sewage;

(c) the said receptacle shall be water-tight, and shall be made of metal, well-tarred earthenware or glazed stoneware, and shall be of such construction and shape as the Executive Officer may consider suitable;

(d) the door of the opening for the insertion and removal of the said receptable shall be so made as completely to cover the said

Every connected-privy and connected-urinal Commeted shall be sufficiently separated, to the satisfaction of the in the separate Executive Officer, from all kitchens, babitable rooms trades at

Retrice privies

Ventilation of

Platform.

### (Schedule XV .- Rules as to drains, privies and urinals.—Rules 32-35.)

and rooms in which any person is, or is intended to be, employed in any manufacture, trade or business.

Flushing of con-(1) Every connected-privy shall be provided 32. nected privies and with a suitable water-cistern, so arranged asof pringle.

- (a) to discharge direct into the pan of the privy not less than three gallons of water each time the cistern is used, and
- (b) to prevent water being drawn from the eistern for any other purpose.
- (2) All waste-pipes and overflow-pipes attached to such eisterns shall terminate in the open air and be ent off from all direct communication with any drain.

(3) Every urinal shall be provided with adequate flushing arrangements to the satisfaction of the

Chief Engineer. (4) For the purpose of supplying water to the flushing eistern of a connected-privy or connectedurinal a reserve tank of such capacity as may be prescribed by the Corporation shall be provided at a height sufficient to supply the eistern with water, and in case the reserve tank is situated at such a height that it cannot be supplied direct from the street main, the owner of the premises shall provide a suitable pump and shall make all necessary arrangements to ensure

a satisfactory supply of water to the reserve tank : Provided that where the beight of the building containing such privy or urinal does not exceed the number of feet for which the pressure of unfiltered water is required by or under this Act for that street, the provisions of this sub-rule shall not be put into

operation.

33. Every connected-privy and connected-arinal Pan for connectshall be provided with a pan of such form and dimened-privies urmals. sions as may be approved by the Chief Engineer.

34. Every connected-privy and connected-urinal shall be provided with an air-tight water-trap immediately below the pan.

35. (1) Every connected-privy and

urinal shall be provided with a syphon-trap which shall be proof against syphonage.

(2) In all eases where a connected-privy or connected-urinal is more than one storey high, an antisyphonage pipe having an internal diameter of not less than two inches shall be provided, and such pipe shall be carried independently to a height of at least two feet above the roof of the privy or urinal or the roof of the building in which such privy or arinal is situated.

Water-trap.

Syphon trap and anti-syphon-

(Schedule XV.-Rules as to drains, privies and uringls.-Rules 36-38.)

36. No "container" or other similar fitting shall Probibiles of be placed under the pan of a connected-privy or "placed" and connected-urinal; and no trap of the kind known as a "D trap" shall be used with any such privy or urinal.

37. (1) Every connected-privy and competedurinal shall be provided with a soil-pipe for carrying and connected sewage to a municipal sewer.

Soft-pipe connected. prinals.

(2) Such soil-pipe shall be provided with air-tight joints, and, if it be placed above ground, shall be made of metal approved by the Executive Officer.

(3) Such soil-pipe shall, in addition to the trap prescribed by rule 31, be provided with a trap placed at some point between the privy or urinal and the sewer referred to in sub-rule (1).

(4) Such soil-nine shall be ventilated by direct communication with the open air in the minner prescribed by the rules contained in this schedule: and, If the privy or urbal is situated in a building. the pipe shall be carried outside the building.

38. If any new building which is a privy or urinal is so constructed us to contravene any of the the lorgoing provisions of this schedule, the Corporation may of laure privies (whether or not the offender be prosecuted under this or urnals

Act), by written motice, require-

Enforcement of

(a) the occupier of the building to which the privy or urinal belongs, or

(b) (If the prive or prival does not belong to a hnihling) the owner of tho land on which the privy or urinal stands.

to make such alterations as may be specified in the notice with the object of bringing the privy or urinal lute conformity with the said provisions.

Sen, Act III

(Schedule XVI.—Rules as to the regulation, maintenance, protection and repair of streets and public places.—Rules 1, 2.)

#### SCHEDULE XVI.

RULES AS TO THE REGULATION, MAINTENANCE, PRO-TECTION AND REPAIR OF STREETS AND PUBLIC PLACES.

(See sections 298, 364 (8) and (9) and 488.)

Regulation, maintenance and protection of streets and public places.

Cutting of hedges and trees and power to Corporation to cause same to be cut.

- 1. (1) The Corporation shall cause any hedges belonging to them which border on any street or square to be trimmed or praned to a height not exceeding seven feet, and shall cause any trees belonging to them which overhang any public street, so as to obstruct the same or cause damage thereto, to be cut and trimmed.
- (2) The Corporation may, by written notice, require the owner or occupier of any land or building to trim or prune, to a height not exceeding seven feet, any hedges thereof bordering on any public street, or to cut and trim any tree appertaining to such land or building which overlangs any public street so as to obstruct the same or cause damage thereto.
- (3) The Corporation, if for the public safety it appears to them necessary to do so, may cause any hedge or tree referred to in sub-rule (2) to be trimmed, pruned or cut without previously giving notice to the owner or occupier of the land or building as required by that sub-rule, and the Corporation may nevertheless require the expenses thereof to be paid by the said owner or occupier.

Regulation of verandalis, etc., projecting over streets

- 2. (1) No verandal supported by pillars resting on a street shall be creeted, either as a new structure or otherwise.—
  - (a) in any street specified by the Corporation in that behalf, or
  - (b) in any street the width of which is less than fifty feet and the footpath of which is not less than eight feet in width
- (2) No roof shall be placed on any verandah supported as aforesaid, and no roof exceeding three

of 1923,]

(Schedule XVI.—Rules us to the regulation, maintenance, protection and repair of streets and public places.—Rule 3.)

fect in width shall be placed on any verandah projecting over a street and not so supported.

- (3) No person shall put up any verandah, baleony, sunshade, weather-frame or the like, to project over any street, without the written permission of the Corporation.
- (4) Subject to the provisions of sub-rule (1) and sub-rule (2), the Corporation may, In their discretion, give written permission, on such conditions as they may think lit and on payment of such fees or rent as may be lixed from time to time by the Corporation, to owners or occupiers of buildings abutting on any street to put up veraudals, balconies, sunshades, weather-frames and the like, whether supported by pillars or not, to project from any building over such street.
- (5) On the breach of any such condition, the Corporation may, by written notice, require the owner or occupier of the said building to comply with such condition.
- (6) At any time after permission has been given under sub-rule (4) to put up a verandah, baleony, sunshade, wenther-frame or the like, to project from a building, the Corporation may, by written notice, require the owner or occupier of the building to remove such projection; and the awner or occupier shall be entitled to reasonable compensation out of the municipal fund on account of such removal:

Provided that no fee shall be charged for any verandah, balcony, weather-frame or the like when tho same is situated in or over any street not vested in the Corporation.

3. (1) No person shall erect or maintain a skysign without the written permission of the Corporation, which shall not be granted unless the sign is so constructed and maintained as not to be dangerous to the public or likely to fall into any street or public place.

(2) Every written permission granted under subrule (1) shall continue in force for not more than one year from the date on which it was granted, and may be revoked at any time by the Corporation if they consider that the sky-sign for which it was granted has become dangerous to the public or is likely to fall into a street or public place. Skv-signs.

[Ben. Act III

(Schedule XVI.-Rules as to the regulation, maintenance, protection and repair of streets and public places.—Rules 4—6.1

## Execution of works in public streets.

Guarding and lighting when public street open-ed or broken up and speedy completion of work.

4. (1) When any drain in, or the pavement or surface of, any public street is opened or broken up for the parpose of carrying on any work, or when any public street is under construction, the Corporation shall cause the place to be fenced and guarded and to he sufficiently lighted during the night and shall take proper precautions for guarding against accident, by shoring up and protecting adjoining buildings;

and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish

occasioned thereby.

(2) No person shall, without lawful authority, remove any fence or shoring-timber, or remove or

extinguish any light, set up under sub-rule (1).

Power to Cor-5. (1) When any work referred to in rule 4 is poration to pre-vent or restrict being executed in any public street, or when any other traffic in street work which may lawfully be done is being executed progress in any street, the Corporation may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description.

(2) When any such direction has been given, the Corporation shall set up in a conspicuous position in or near the street an order prohibiting truffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as they may think proper

for preventing or restricting traffic therein. (3) No person shall, without lawful anthority, infringe any such order or remove any such bar,

chain or nost.

#### Naming of public streets and numbering of premises.

Posting street names,

during

of work.

6. (1) The Corporation shall from time to time of cause to be put up or painted, in a durable manner, on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, such name as the Corporation may from time to time determine under section 295, sub-section (2), as the name by which such street is to be known.

(2) No person shall, without lawful authority. destroy, pull down, or defuce any such name, or put up any name different from that put up by order of

the Corporation.

of 1923,]

(Schedule XVI.—Rules as to the regulation, maintenance, protection and repair of streets and public places .- Rules 7, 8.)

7. (1) The Cornoration shall from time to time cause all premises in or near each public street to be premises. nambered separately, and shall cause their respective numbers to be affixed in conspicuous places outside such premises at or near the entrances thereto.

Numbering of

(2) No person shall, without lawful authority, destroy, pull down or deface any such number, and no person shall affix to any such premises a private number of the same design as such number.

8. The Corporation shall keep a register of all alterations made by them in the names of streets and in the numbers of the houses therein and such register shall be kept in such a form as to show the date of every such alteration and the name of the street and the number of the premises previous to such alteration, as well as the new name of the street and the new number of the premises. It shall be lawful for any person to inspect such register and to take a copy of any portion thereof upon payment of such reasonable fee as the Corporation may from time to time determine.

Corporation to keep a register of

[Ben, Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 1, 2.)

#### SCHEDULE XVII.

RULES AS TO THE USE OF BUILDING-SITES AND THE EXECUTION OF BUILDING-WORK.

[See sections 319, 330, 331, 363, 364 (10), 488, 494 dnd 495,]

#### Part I.—Building-sites.

Conditions as to 1. No piece of land shall be used as a site for the site. erection of a building,—

(1) if the building is to abut on a street, unless the site is of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Corporation may consider practicable; and.

(2) if the site is within thirty feet of a tank, unless the owner takes, or satisfies the Corporation that he will take, such order as will prevent any risk of the drainage of the building passing into the tank; and.

(3) if the site is a filled-up tank, or has been filled up with, or used for depositing, rubbish, offensive matter or sewage, unless the

Corporation have caused the site to be examined and granted a certificate to the effect that it is, from sanitary and engineering points of view, fit to be built upon; and,

(4) if the building to be creeted is a public building, a dwelling-house or a hat intended for human habitation, unless the site is certified by the Corporation to be dry and well-drained, or unless the Corporation are satisfied that it is capable of heing well-drained and that the owner will take the necessary steps to drain it.

2. (1) Any person who intends to erect any building upon a site on which a building has been previously creeted, whether before or after the commencement of this Act, may, before commencing to erect his intended building, cause to be prepared plans showing the extent of the previously existing building in its several parts (or, in the ovent of such building having been taken down before the commencement of this Act, or having been accidentally destroyed, the best plans available under all the

Gertificate as to correctness of plans of a previously existing building and fees therefor,

(S bedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 3.)

circumstances of the case), and may cause such phrus to be submitted to the Corporation who shall (if reasonably satisfied with the evidence of their accuracy) certify the same; and such certificate shall for the purposes of these rules be taken to be conclusive evidence of the correctness of tho phrus.

(2) The Corporation, when granting a certificate under this rule, may charge such fees, not exceeding ten rupees for any one building, as they may think lit.

#### Part 11.—Buildings generally.

3. (1) If a building is situated at the side of a street, no portion of the binding, except open or halnstraded parapets not more than four feet high, shall intersect any of a series of imaginary lines drawn across the street at an angle of forty-tive degrees with the horizontal, such lines being drawn from the side of the street which is the more remote from the building in question, from a height of two feet above the centre of the street:

Provided as follows—

(i) where the said street is joined at an angle by another street facing the building, or where the street in which the building is situated terminates in front of the building, the height of that portion of the building which is opposite the street facing it measured from two feet above the contre of the street. shall in the former case, not exceed the height which would be permissible if the building abutted on or wore situated on the side of a street equal in width to the width of the street on which it abuts or on the side of which it is situated plus half the width of the street facing it, and in the latter case, the height of the building shall not exceed the height which would be permissible if the building abutted on or were situated on the side of a street one-and-ahalf times the width of the street terminating in front of it;

(ii) nothing herein contained shall affect the erection of a four-storeyed building attacting upon, or situated at the side of a street of not less than forty-five feet in width, if such building, including the parapet wall and the plinth, does not exceed fifty-six feet in height:

Helcht

[Ben, Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 3.)

(iii) nothing herein contained shall affect the erection of a building abutting upon, or situated at the side of, a street of not less than sixty fect in width, if such building does not exceed eighty feet in height; and

(iv) no building exceeding eighty feet in height shall be erected without the special permission of the Corporation, who in granting such permission, may impose such conditions as they may think proper for the safety of the public and the safety and convenience of persons occupying the building.

Explanation.—If a building be placed at the edge of the street, its beight, measured from two feet above the centre of the street, and excluding parapets as aforesaid, shall not exceed the average width of the street facing the site; but, if the building or one or more of its storyshe set back, the height of the building may be increased, subject to the condition that no portion of the building, after the height is increased intersects any of the aforesaid lines.

(2) In the case of a new huilding erected on any portion of the site of the whole or part of a building in existence at the commencement of this Act, the angle at which the lines referred to in sub-rule (1) are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

#### Provided as follows-

(i) the height allowed under this sub-rule shall in no case exceed thirty-six feet, and

(ii) except with the special permission of the Corporation, nothing contained in this sub-rule shall authorize the erection of a new building so as to make any portion of it higher than any building which at the commencement of this Act was standing on the same portion of the site.

(3) Notwithstanding anything contained in subrule(1) or sub-rule (2), the Corporation may, by order published in the Calcutta Gazette, declure that, in any street or portion of a street, not less than twelve feet in width, which is specified in the order, the erection of two-storeyed buildings not exceeding twenty-eight, feet in height excluding two feet for the plinth and excluding open or balastraded parapets not more than four feet high, will be permitted without complying with the requirements of those sub-rules.

(4) If a building is situated on a corner plot so as to abut upon more than one street, the narrower of

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 4.)

such streets shall, for the purpose of regulating the height of the building, be deemed to be of the same width as the wider street to a distance of fifty-five feet from such wider street.

- (5) Notwithstanding anything contained in subrules (1), (2) or (4),—
  - (a) a building of not more than one storey and not exceeding twelve feet in height (excluding two feet for the plinth) above the centre of tho street, and
  - (b) if, in any street which is less than twelve feet in width, the owner of any building-site abutting on the street makes a free gift to the Corporation of all land comprised within such site, which falls within six feet of the centro line of such street, then a two-storeyed building not more than twenty-eight feet high,

may be erected without complying with the requiremonts of the said sub-rules.

- (6) For the purposes of clause (b) of sub-rule (5) of this rule and of clause (b) of sub-rule (4) of rule 30—
  - (a) the Corporation may prescribe a centre line for any street which is less than twelve feet in width, and
  - (b) when such centre line has been prescribed, the side of the street shall, for the purposes of sub-rule (1), be deemed to be an imaginary line drawn six feet from such centre line.

4. The floor or lowest floor of every new building erected from the ground-level shall be constructed at such level as will admit of—

Level of floor

- (a) the construction of a drain sufficient for the effectual drainage of the huilding and placed at such level as will admit of the drainage being led into some municipal sewer at the time existing or projected, and
- (b) the provision of the requisite communication with some sewer into which the drainage may lawfully be discharged at a point in the upper half of such sewer or with some other means of drainage into which the drainage may lawfully be discharged.

[Ben. Act JH

# (Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 5.-8.)

Provision of fire-escapes, staircases and lift in certain building.

5. (I) All public buildings and all buildings of the warehouse class, and where the Corporation deem it necessary, all buildings of four or more storeys, shall be provided with adequate means of escape in case of fire, to the satisfaction of the Corporation, and shall also be provided with such number of staircases as the Corporation may require.

(2) The Corporation may, by written notice, require the owner of a new bnilding, more than sixty feet in height or comprising four or more storeys, erected after the commencement of this Act, to provide a lift or some other similar mechanical contrivance for carrying persons from one floor to another.

an) Mari

Certain build ings not to be erected within six feet of a service-privy.

6. No new public building or new building which is, or is likely to be used as a dwelling-place or a kitchen or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business shall be creeted within six feet of any sorvice-privy or service-prival.

Prohibition of use of inflammable muterials for roofs or external walls,

7. (I) External roofs or walls of buildings shall not, after the commencement of this Act, be made of grass, leaves, mats, canvas or other inflammable materials.

(2) The Corporation may, by written notice, require the owner of any building situated within a distance of thirty feet from any other building, and having at the commencement of this Act an external roof or wall made of any such inflammable material, to remove or after such roof or wall.

(3) Sub-rules (1) and (2) shall not apply to bamboo shingle or wood or to any garden hat, orchid house, fernery or other similar structure within a compound, unless in any particular case the Corporation consider any such structure to be dangerous.

#### Part III .- Masonry buildings generally.

Foundation

8. (1) Except with the sanction of the Corporation, the foundation of a masonry building shall

rest on solid ground.

(2) Except with the sanction of the Corporation, the spread of the foundation shall be such that the pressure on the soil, taking into account the load on the floors and terrace-roof (if any) referred to in rules 15 and 17, shall not be greater than one ton on the square foot.

(3) The levels of the foundation shall be such

sa the Corporation may consider satisfactory.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 9—14.)

9. The plinth of a masonry huilding, except in the case of motor garages and concli-houses, shall be at least two feet above the level of the centre of the nearest street:

Plinth.

Provided that the plinth of stables and cow-sheds,

may be one foot above such level.

10. Every wall of a masonry building shall be constructed so as to rest upon proper footings having walls, regular offsets and on each side of the wall a horizontal spread (equal on each such side) of not less than one-half the height of the footings, provided that when an adjoining wall interferes the footings may, subject to the provisions of rule 8, sub-rule (2), be omitted, where that wall adjoins,

Footings for

11. The outer walls of a mesonry building shall be constructed of brick or some similar hard and

Outer walls.

incomhastible substance.

12. All walls of a masoury building shall be Bonding of walls.

12. All walls of a masoury bu properly honded.

Bending of Walls.

13. (1) Every wall of a masonry building shall have a damp-proof course at the level of the ground floor.

Damp-proof course.

(2) Such damp-proof course may consist of sheetlead, asphalt, slates laid in cement, vitrified bricks or any other durable material impervious to moisture.

14. If a masonry building exceeds one storcy in height,-

Walls in building of more than one storey.

(a) every wall shall be solidly put together with-

(i) good cement, or

(ii) good lime, or

(iii) mortar compounded with good cement and sand or other suitable material,

(iv) mortar compounded with good lime and sand or other suitable material:

- (b) the proportions of the materials forming such mortar shall be such as are approved by the Corporation;
- (c) no part of any wall, other than a cornice or moulding, shall overhang any part of a wall underneath it; and
- (d) every wall shall be of such thickness as the Corporation may consider necessary to ensure safety, regard being had to the height of the building, the materials of which it is constructed, and the purpose for which it is intended to use it.

i Ben. Act III

(Schedule XVII.-Rules as to the use of building-sites and the execution of building-work .- Rules 15-20,)

Floors

15. The floors of every masonry building shall be constructed to bear safely the maximum load to be carried, the allowance for live load not being less than fifty-six pounds on the square foot.

Beams pirders.

- (1) All beams and girders in a masoury building shall be supported by a breadth of brick-work. stone or other solid substance sufficient to secure their stability.
- (2) The bearing of a beam or girder on a wall shall not, without the sanction of the Corporation, be less than three-fourths of the thickness of the wall.

Terrace-roofs.

17. Terrace-roofs shall be constructed to withstand such load, not less than forty pounds on the square foot, in addition to their own weight, as may be specified by an order of the Corporation.

Power to Corporation to regu-late beight of boundary wall.

Notwithstanding anything contained in this schedule, a boundary wall may be erected on the boundary of a site to any height which the Corporation may think fit and proper in the special circumstances of the case.

19. Not less than three days before any person Notice to be sent to Corpora-tion before com-mencing work. commences to erect a new building (other than a hut) the owner of the building shall send to the Corporation a written notice specifying the date on which it is proposed to commence the work.

Notice stier

completion

- Within one month after the completion of the erection of a new building (other than a hut)-
  - (a) the owner of the building shall send to the Corporation a written notice of the fact of such completion; and
  - (b) the licensed building surveyor or other person (if any), employed nuder rule 55 to supervise the erection of the said building, shall sign and send to the Corporation a true certificate in the following form:-

#### "BUILDING COMPLETION CERTIFICATE.

#### (See Schedule XVII, r. 20.)

I do hereby certify that the following building work (here insert full particulars of the work) has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Calcutta Municipal Act, 1923, or of the rules and by-laws made thereunder, and no requisition made, condition prescribed or order issued under the said

of 1923,]

(Schedule XVII .- Rules as to the use of building-sites and the execution of building-work.—Rules 21—23.)

Act, rules or by-laws has been transgressed in the course of the work."

21. The Corporation may,-

(a) at any time during the erection of any new by Corporation. building (other than a but), or

Inspection

- (b) within one month after the receipt of the notice or the certificate sent under rule 20 with respect to any such building, or
- (c) if no such notice or certificate lms been received, at any time after the building has been erected.

iuspect such building, without giving previous notice of their intention to do so.

22. (1) If, on making any inspection under rule 21, the Corporation find that the building inspected peration to take is boing or has been erected-

Power to Cormaking

- (a) otherwise than in accordance with the plans thereof which they have approved, or
- (b) in such a way as to contravene any of the provisions of this Act or any rules or bylaws made thereunder,

they may, by written notice, require the owner of the building cither—

- (i) to make such alterations as may be specified in the notice with the object of bringing the work into conformity with the said plaus or provisions, or
- (ii) to appear before them and show cause why such alterations should not be made.
- (2) If such owner does not appear and show cause under clause (ii) of sub-rule (1), he shall be bound to make the alterations specified in such notice,
- (3) If such owner appears and shows cause nuder chanse (ii) of sub-rule (1), the Corporation shall, after hearing him, either-
  - (a) cancel the notice issued under sub-rule (1), or (b) confirm the same, subject to such modifications (if any) as they may think lit.

Part IV.—Dwelling-houses and other domestic buildinas.

23. The total area covered by all the buildings Percetion on any site used for a dwelling-house shall not exceed to use to dwelling-house shall not exceed to the body which may two-thirds, or, in localities where the erection of only be both spoo.

[Bon, Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 24, 25.)

detached buildings is allowed, one-third, of the total area of the site, and the area not so covered shall form part of the site:

Provided that the Corporation may at any time permit an excess area not exceeding five per cent. of the total area of the site to be covered in the case of a detached building, where they are satisfied, for special reasons to be recorded in writing, that the convenience or amenity of the building will be substantially increased, if such excess area is permitted to be covered.

Dwelling-houses and out-offices, where two-thirds of site are left vacunt.

- 24. (1) If two-thirds of any building-site are left vacant-
  - (a) the dwelling-house may be placed in any part of the site, but not (subject to the provisions of section 303 or section 309, as the case may be) so as to extend beyond any building-line prescribed under section 302 or section 308: and
  - (4) servants' houses, stables and other out-offices within the area of the site shall not be of more than two storeys or exceed twenty-four feet in height or twenty feet in depth, and shall not be placed on more than two sides of the dwelling-house or within twenty-four feet of the dwelling-house.
- (2) If two-thirds of a building-site are left vacant under sub-rule (1) no building or part of a building shall be erected so as to encroach upon the area so left vacant:

Provided that the Corporation may at any time permit an excess area not exceeding five per cent of the total area of the site to be covered in the case of a detached building where they are satisfied, for special reasons to be recorded in writing, that the convenience or amenity of the building will be substantially increased, if such excess area is permitted to be covered.

Size und ventilation of inhabit-

- 25. Every room in a domestic building which is intended to be used as an inhabited room-
  - (a) shall be in every part not less than ten feet in height, measured from the floor to the under-side of the beam on which the roof or ceiling rests;
  - (b) shall have a clear superficial area of not less than eighty square feet

(Schedule XVII.-Rules as to the use of building-sites and the execution of building-work.—Rules 26—29.)

(c) shall have, for purposes of ventilation.

of 1923.1

- (i) windows opening directly into the external air, or into an open verandah, and having an opening of not less than one-fifteenth of the floor-area of the room, and
- (ii) an aggregate opening of not less than oneseventh of the floor-area of the room, to he provided by windows, or windows and doors, opening directly into the external air or into an open verandah; and
- (d) shall, if such room has a cubical area of three thousand entic fect or less, be provided, for every six hundred enbic feet capacity or fraction thereof, with one or more ventilating openings aggregating not less than one-and-a-half square feet in area, near the ceiling and opening directly into the external air or into an open verandah:

Provided that the Corporation may, in their discretion. relax the movisions of clause (a) and clause (d).

26. Every room in a domestic building which is Floorofinbable intended to be used as an inhabited room, and which simble, craisble, crai is constructed over a stable, cattle-shed or cow-house, about house, shall be separated from the stable, cattle-shed or cow-house by a floor of concrete or other impermeable material.

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27. In every domestic building constructed or Lighting adapted to be occupied in flats or tenements, rangases. the principal common staircase shall be adequately lighted and ventilated upon every storey.

and

28. The ground floor of every domestic building shall be covered throughout, at the height of the plinth, with some impermeable maternal approved by the Corporation, unless such floor be supported on beams and has a free air-space beneath it.

Ground floor

29. (1) The minimum superficial area of every dwelling-house court-yard of a dwelling-house shall be one-fourth of the aggregate floor-area of the rooms and verandalis on the ground floor abutting on the court-yard :

tourt yard of

Provided that, in determining the said aggregate floor-area,—

> (i) only one-half of the floor-area of such rooms and verandahs as abut on another courtyard or on the open space prescribed under rule 30, or rule 32, and

[Ben. Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work .- Rule 30.)

(ii) no portion of the floor-area of such rooms and verandahs as abut on a street not less than twelve feet in width.

shall be taken into account.

- (2) Any room which is separated only by an open verandali from the court-yard shall, for the purpose of this rule, be deemed to abut on such court-yard.
- (3) The minimum width of every such court-yard shall be eight feet.
- (4) No portion of any face of a dwelling-house abutting on such court-yard shall intersect any of a series of imaginary lines drawn across the court-yard from the opposite face of the house, at the level of the plinth, at an angle of sixty-eight degrees with the horizontal:

Provided that nothing contained in this sub-rule shall prevent the construction of four-storeyed buildings on two sides of a court-yard where the length of the court-yard opposite such buildings is not less than twenty feet and the width of such court-yard is not less than fifteen feet.

- (5) For the purposes of sub-rule (4), the opposite face of the house shall be deemed to be a vertical plane drawn through the most projecting portion of such face excluding any comice or moulding not exceeding eighteen inches.
- (6) Notwithstanding anything contained in sulrule (4), a dwelling-house abutting on a court-yard of which the greater dimension does not exceed twice the less dimension, shall be held to comply with this rule if, by reason of its abutting on a court-yard of the same area but square in shape, the building would comply with this rule.
- 30. (I) There shall be, at the back of every Open space in 30. (1) There statu ue, at the house rear of banking domestic building, an open space extending along the continuous formular part of the entire width of the building and forming part of the site thereof.
  - (2) The said space shall be of such width that any of a series of imaginary lines drawn across such space at an angle of sixty-three-and-a-half degrees with the horizontal, from points on a level with the plinth of the building and situated on that side of the said space which is furthest from the building, shall not intersect any portion (other than open or

rear beight.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 30.)

balastraded parapets not more than four feet in height) of the building:

Provided as follows-

of 1923.]

- (i) the minimum width of such space shall be ten feet;
- (ii) in the case of three-storeyed buildings, the angle referred to in this rule shall be increased from sixty-three-and-a-half degrees to sixty-eight degrees; and
- (iii) in the case of any building in which there are both an outer and an inner court-yard, a minimum distance of six feet shall be permitted.
- (3) If it is proposed to erect one or more buildings on the site of an existing building or if two or more buildings are proposed to be erected on any one site (whether or not such buildings are connected by means of verandahs or gangways or in any similar manner), the open space referred to in sub-rule (1) shall be provided at the back of each such building.

(4) This rule shall not apply in the ease of-

- (a) a building the back of which abuts on a public square or street or a place dedicated to public use and not likely to be built upon not less than sixteen feet in width;
- (b) a building the back of which abuts on a public street less than sixteen feet in width, if the owner makes a free gift to the Corporation of all land comprised within the site of the building, which falls within eight feet of the centre line of such street as prescribed by the Corporation under rule 3, sub-rule (6), and
- (c) a building to which rule 24 applies:

Provided that, in cases (a) and (b), the height of the building shall, in accordance with the provisions of rule 3, be regulated by the width of the public square or street on which it abuts.

(5) For the purposes of this rule, the back of a building shall be deemed to be that face of the building which is furthest from any street at the

side of which the building is situated:

Provided that, where a building is situated at the side of more than one street, the back of the building shall, unless the Corporation otherwise direct, be deemed to be that face of the building which is furthest from the widest of such streets.

[Ben. Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 31, 32.)

lielaxation of rule 30 in certain cases,

31. If any person desires to erect a domestic building upon a site which is irregular or of such a nature that it is impracticable to provide an open space in the xear of the building of the dimensions prescribed by rule 30, the Corporation may refax the provisions of that rule:—

Provided that-

- (a) such open space shall be left as the Corporation may consider practicable, having regard to all the circumstances of the case;
- (b) not more than two-thirds of the total area of the site shall be occupied by buildings.

Open space at sides of building.

32. (1) Except in the case of buildings to which rule 24 applies, if either side of a domestic building is not attached to the adjacent building, and if such side does not abut on a public square or street which is not less than six feet in width, or on a private street or partition passage which, in the opinion of the Corporation, is likely always to be kept open to the sky and which is not less than eight feet in width,

there shall be between the buildings an open space extending along the entire length of such side and forming part of the side of the said domestic building:

Provided that attachment of any building to the adjacent building shall not be allowed (except with the permission of the Corporation) in areas declared for the purpose if either of the buildings is a dwelling-house.

(2) The minimum distance across such space from every part of the said domestic building to the boundary line of the laud or building immediately opposite such part shall be—

(a) six feet, if there is a building next to such

boundary line or within two feet of it, or (b) four feet, if there is an open space of two feet or more on the other side of such boundary line:

Provided that where there is a public street by the side of the site which is less than six feet wide, the owner may, by giving to the Corporation free of charge such land as will make the street six feet wide, be exempted from leaving further side space under this rule.

(3) Notwithstanding anything contained in this rule, where a site adjacent to the site of a proposed building is not occupied by a masonry building

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 33, 34.)

situated within ten feet of the houndary line between the two sites and within twenty-four feet from the frontage of the street on which the two sites abut, the proposed building may, with the sanction of the Corporation, be erected along the said boundary line up to a depth of twenty-four fect from such street frontage, unless, in the opinion of the Corporation, there is any objection to any building which may be subsequently erected on the adjacent site being attached to the building so erected,

33. (1) Every court-yard of a building, and court-yards and every open space prescribed by rule 30 or rule 32, ontward open shall be raised at least one foot above the level of the and kept open. centre of the nearest street, so as to admit of easy drainage into the street.

(2) Every such court-yard and open space shall form part of the site of the building, shall be open to the sky throughout its entire area, and shall be kept accessible for the purpose of cleansing; and no structhre shall be erected within or above, or so as to project over, the same :

#### Provided that—

(a) a one-seated or two-seated connected-prive or a privy with a bath-room attached thereto or two connected-privies, not exceeding forty square fect in floor-area in the aggregate, exclusive of walls, may be erected in the open space left under rule 30. sub-rulc (2); and

(b) such privy or privies with attached bath-room may have as many storeys over them as there are storeys in the house to which they belong, each of such storeys being connected with the main building by a gangway. or in the case of two separate privies two gangways or bridges, not more than three fect in width for each privy and not exceeding six fect in width in the aggregate.

(3) The provisions of snb-rule 12) shall apply only to the minimum area prescribed noder this schedule for any court-vaut or open space referred to in the . said sub-rule.

34. All court-yards in a domestic building, and all other open spaces therein not exceeding six feet draining of conning width, shall be pared with in width, shall be paved with some importmeable spaces. substance and drained to the satisfaction of the Corporation.

[Ben. Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 35-41.)

Space to be added to street not to be taken into account under rules 23, 24, 30 and 32

Except with the permission of the Corporation, for the purpose of calculating the open space required to be left under rules 23. 24, 30 and 32, no space which falls within the alignment of a street or is included within the alignment of a projected public street shall be taken into account.

Open space prescribed for one site not to be

36. No building shall at any time be erected on any open space prescribed under this schedule for a taken for another building and forming part of the site thereof, nor such open space be taken into account in determining the area of any open space required, under this schedule, for any other building,

Position privies in a domestre building

37. No room other than a bath-room, privy or urinal shall be placed over a privy in a domestic building, and no privy shall be placed in a domestic building under any room other than a bath-room. privy or urinal.

#### Part V.—Buildings of the wavehouse class.

Height of buildings of the warehouse class.

- 38. (1) In applying rule 3, sub-rule (1), to any building of the warehouse class situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of sub-section (1) of section 324, the said sub-rule shall be read as if fifty-six-and-a-half degrees were substituted for forty-five degrees.
- (2) Sub-rule (2) of rule 3 shall not apply to any such buildings.

Open spaces for buildings of the warehouse class

39. The provisions of rules 29 to 36 as to domestic buildings shall have effect in the case of buildings of the warehouse class which are not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of sub-section (1) of section 324.

Floors of certain buildings of the warehouse class.

The floor of every building of the warehouse class intended to be used for the manufacture or storage of articles for human consumption shall be constructed of some impermeable material approved by the Corporation.

Additional open space for buildhouse class for loading or unload. ing carsa

41. (1) Every building of the warehouse class shall, in addition to any open space prescribed under rule 39, have attached thereto, for the accommodation and passage of carts used for the loading and unloading of goods, an open space, forming part of the site of the building, of such size as the Corporation may consider sufficient, regard being had to the dimension

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.-Rules 42-44.)

of the building and the nature and extent of the business to be carried on therein:

Provided that, if the Corporation consider that any court-yard, or any open space provided in pursuance of rule 39, is sufficient for the accommodation and passage of such carts, no separate space need be provided under this rule.

(2) Except with the permission of the Corporation no structure which would impede the passage of carts shall be erected within or above, or so as to project over any open space provided under this rule.

#### Part VI.—Public buildings.

42. (1) The provisions of rules 25, 26, 27, 28, 30, Application of 31, 32, 31, 35 and 37, as to domestic buildings, shall of Part IV to have effect in the case of public buildings.

(2) The provisions of rules 23, 24 and 29, as to dwelling houses, shall have effect in the ease of any public building which is constructed, used or adapted to be used wholly or principally for human habitation, or as a school, college or other place of instruction.

43. The floors of the lobbies, corridors, passages bushble or fireand landings of a public building shall be constructed resisting materials of incombustible materials, the doors shall be constructed of fire-resisting materials, and the flights of stairs shall be constructed either of incombustible materials or of fire-resisting materials.

44. The following materials shall, for the pur- Materials to be poses of rule 43, he deemed to be iocombustible, bushble namely :-

- (a) brick-work constructed of good bricks, wellhurnt, hard and sound, properly bonded and solidly put together with-
  - (i) good mortar compounded of good lime and sharp elean saod, bard eleao broken brick, broken flint, grit or slag well pulverized, or
  - (ii) good cement mixed with any of the materials mentioned in sub-clause(i).
  - (b) granite and other stone which is suitable for building purposes by reason of its solidity and durability.

(c) iron, steel and copper,

(d) slate, tiles, bricks and terra-cotta, when used for coverings or corbels,

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 45-48.)

(e) flag-stones when used for floors over arches, if not exposed on the underside and if not supported at the ends only.

(f) concrete, composed of broken brick, stone chippings or selected slag and lime, cement or calcined gynsum-when the concrete is used for filling-in between joists of floors to a depth of not less than four inches, and

(a) any combination of concrete, steel or iron or any other material approved in this behalf from time to time by the Executive Officer.

Materials to be deemed to be fireresisting but not incombustible

45. The following materials shall, for the purposes of rule 43, be deemed to be fire-resisting, but not incombustible, namely :--

- (a) sal, teak and other hard timber, when used for beams or posts or in combination with iron, the timber and the iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating.
- (b) in the case of doors, sal, teak or other hard timber not less than one-and-a-half inches thick, and
- (c) in the case of staircases, sal, teak or other hard timber, the treads and risers being not less than one inch and-a-half thick.

Walls for staircases,

The walls supporting or enclosing any staircase in a public building shall be of masoury and not less than ten inches thick.

Uniformity in treads and risers in staircases

The treads and risers of each flight of stairs in 47. a public building shall be of uniform width.

Width of stairs cases, internal and passage-ways.

48. (1) No staircase, internal corridor or passageway in a public building shall be less than six feet wide:

Provided that, where not more than two hundred persons are to be accommodated in any public building, any staircase, internal corridor or passage-way may be of any width not less than four feet six inches.

(2) Every staircase, internal corridor or passageway in a public building, which communicates with any portion of the building intended for the accounmodation of more than four hundred persons, shall be wider than six feet by six inches for every hundred persons over four hundred, subject to a maximum width of nine feet.

Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 49—53.)

- (3) Notwithstanding anything contained in subrule (1) and sub-rule (2), instead of a single staircase, corridor or passage-way of the width prescribed by sub-rule (2), there may be two staircases, corridors or passage-ways, each being of a width equal to at least two-thirds of the width so prescribed.
- 49. If the width of any staircase in a public perision building is eight feet or more, the staircase shall be, wide etal divided by a hand-rail.

staircase

50. If some of the persons accommodated in a public building are placed on a higher floor than foor on different others, separate means of exit, of the width prescribed levels. by rule 48, sub-rules (1), (2) or (3), as the case may be, and communicating directly with a public street or an open space, shall be provided for each floor:

Separate means

Provided that this rule shall not apply to a hotel or lodging-house, or to any public building which is used as a home, refuge or shelter.

51. All doors and barriers in a public building barriers to open shall be made to open outwards, and no locks or bolts outwards for closing the same from outside shall be affixed thoreto.

#### Part VII .- Applications for permission to erect new buildings (other than huts).

52. (1) Every person who intends to erect a new Corporation for building (other than a hat) shall send to the Corporat-permission tion an application for permission to execute the rew building. work, together with a site-plan of the land, a plan of the whole building, separate plans of each floor of the building, complete elevations and sections of the work and a specification of the work.

- (2) Every document referred to in sub-rule (1) shall contain the particulars and be prepared in the manner heremafter in this part prescribed in this bebalf.
- 53. (1) Every application made under rule 52 shall be written on a printed form (to be supplied by sat with, such the Corporation free of charge), and shall state the stricture. position of the site, the number assigned to it in the assessment-book and its dimensions, the description of the building and its dimensions, and such other particulars as may be prescribed by the Corporation.

(2) The site-plan sent with such an application shall be drawn to a scale of not less than one-difficth

l'articulars. be fereisted in (Schedule XVII.—Rules as to the use of building-sites. and the execution of building-work.—Rule 53.)

of an inch to the foot, shall be sent in triplicate, and shall show—

- (a) the boundaries of the site and of any contiguous land belonging to the owner thereof;
- (b) the position of the site in relation to neighhonring streets;
- (c) the name of the street in which the building is proposed to be situated:
- (d) all existing buildings standing on the site;
- (e) the position of the building, and of all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a), in relation to—
  - (i) the boundaries of the site, and in a case where the site has been partitioned, the boundaries of the portion owned by the applicant and also of the portions owned by the other owners.
  - (ii) all adjacent streets, buildings and premises within a distance of forty feet of the site and of the contiguous land (if any) referred to in clause (a), and
  - (iii) (if there is no street within a distance of forty feet of the site) the nearest existing street or some street projected under section 308 or sanctioned under section 314;
- (f) the means of access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a);
- (g) the position and the number of storeys of all other buildings within forty feat of the site:
- (h) the position, form and dimensions of kitchens, staircases, privies, arinals, drains, cesspools, stables, cattle-sheds, cow-houses, wells and other appartenances of the building:
- (t) free passage or way in front of the building :
- (j) space to be left about the building to secure a free circulation of air, admission of light and access for scavenging purposes;

of 1923.}

# (Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 53.)

- (k) the width of the street (if any) in front, and of the street (if any) at the side or rear, of the building; and
- (1) such other particulars as may be prescribed by the Corporation.

Explanation to clause (d)—If it is intended to demolish or ulter any existing building on the arte, such building shall be particularly specified, and it shall be expressly stated in the aforesaid application that the applicant undertakes to demolish or after the same, as the case may be

- (3) The plans of the building and the elevations and sections accompanying such an application shall be properly coloured and neathy and accurately drawn to a scale of not less than one-eighth of an inch to the foot and shall be sent in triplicate; and the said plans shall show—
  - (a) the levels and width of the foundation of the building;
  - (b) the level of the lowest floor of the building;
  - (c) the level of all court-yards and open spaces, and the plinth-level of the building, with reference to the level at the centre of the nearest street.
- (4) The specification accompanying such an application shall comprise full information as to the following particulars, namely—
  - (i) the materials and method of construction to be nsed for external walls, party walls, foundations, noofs, floors, fire-places and chimneys;
  - (ii) the manner in which roof and house drainage and the surface drainage of land will be disposed of;
  - (iii) the manner (if any) in which it is proposed to pave the court-yards and open spaces, and the slope to which the surface is to be made in each case;
  - (iv) the means of access that will be available to scavengers to get to service-privies;
    - (v) the purpose for which it is intended to use the building;

Ben, Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 54, 55.)

(vi) if the building is intended to be used as a dwelling-house for two or more families, or as a place for carrying on any trade or business in which more than twenty people may be employed, or as a place of public resort,—the means of ingress and egress to and from such building; and

(vii) such other particulars as may be prescribed by the Cornoration.

Explanation to clause (v)—If it is intended to use the building or any part thereof for any of the purposes specified in Schedule XIX, or as a stable, cattle-shed or cow-house, the fact shall be expressly stated.

Signature of plans, elevations and sections 54. The plans, elevations and sections referred to in rule 52 shall be signed clearly and in a prominent place by the owner of the building and by the licensed building survoyor who has prepared the same as required by section 323.

Necessary employment of incensed building survey or or other competent person to supervise building.

55. (1) Every person who intends to erect a new building (other than a but) which is likely, in the opinion of the Corporation, to cost not less than fifty thousand rupces, or such other amount as may be fixed from time to time by the Corporation, shall employ a licensed building surveyor, or any other competent person who is approved by the Corporation, to supervise the erection of such building.

(2) The name of the person to be so employed shall be stated in the application made, under rule 52, in

respect of such building.

(3) If the person to be so employed is not a licensed building surveyor, the Corporation may, within seven days of the receipt of the said application. refuse to approve his employment, and may return the application for amendment;

and such application shall thereupon be deemed not to have been made until it has been re-submitted

duly amended.

(4) If the person so employed dies or eeases to be so employed before the completion of the said huilding, the further election of the same may be continued for a period of a fortnight, but shall then be suspended until—

(a) a licensed building surveyor whose name shall forthwith be reported to the Corporation, or

(b) any other competent person approved by the Corporation,

has been employed to supervise such erection.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 56, 57.)

56. (1) All information and documents which it may he found necessary to require, and all objections requirements and objections, which it may be found necessary to make before deciding whother permission to erect a new building (other than a hut) should be given, shall be respectively required and made in one requisition, and the applicant shall be apprised thereof at the earliest nossible date.

Formulation of

- (2) Within fifteen working days after the receipt of any application under rule 52 for permission to execute any work, the Corporation may require the applicant-
  - (i) to furnish them with any information on matters referred to in that rule which has not already been given in the documents received thereunder, or with any document prescribed by that rule which has not been sent in; or
  - (ii) to satisfy them in regard to any objections which may have been taken under these rules to the grant of permission to execute the work.
- (3) If any information or documents furnished under sub-rule (2) are, in the opinion of the Corporation, incomplete or defective, they may, within fifteen working days after the receipt of the same, require further information or documents to be furnished.
- (4) If any requisition made nuder sub-rule (2) or sub-rulc (3) is not complied with within three months, the application received under rule 52 shall he refused.
- 57. (1) Within fifteen days after the receipt of Permusion to any application made under rule 52 for permission to when to be given execute any work, or of any information or documents correlated by the or further information or documents required under this schedule, or within fifteen days after the Corporation have been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work.

the Corporation shall, by written order, either-

(a) grant permission conditionally or unconditionally to execute the work, or

(b) refuse, on one or more of the grounds mentioned in rule 59 or rule 63, as the case may be, to grant such permission.

[Ben, Act III

(Schedule XVII.—Rules as to the use of building sites and the execution of building-work.—Ritles 58, 59.)

- (2) When the Corporation grant permission conditionally under clause (a) of sub-rule (1), they may in regard thereto impose such conditions, consistent with this Act, as they may think fit.
- (3) Notwithstanding anything contained in subrules (1) and (2), in any case in which it appears to the Corporation that any public improvements which may render necessary the acquisition of the site of a proposed building or any part thereof are desirable and expedient, they may withhold sanction to the bailding plans submitted in respect of such building for a period not exceeding three months from the date of such submission.

Remedy if Cordelay poration grant or refusal of permission

If within the period prescribed by rule 57, the Corporation have neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rules or by-laws made thereunder.

Grounds which permission to erect a masonry new building may be refused

- The only grounds on which permission to erect a new building (other than a hut) may be refused are the following namely:-
- (1) that the work, or any of the particulars comprised in the site-plan, building-plans, elevations. sections or specification would contravene some specific provision of this Act or some specific order. rule or by-law made thereunder;

(2) that the application for such permission does not contain the particulars or is not prepared in the

manner prescribed in this schedule:

(3) that, in the case of a new building (other than a hat) falling within the street alignment or buildingline of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Ren. i Chairman of the Board of Trustees for the Improvement of Calentta has not been obtained;

(4) that any of the documents referred to in rule 52

have not been signed as prescribed in rule 51;

(5) that any information or documents required by the Corporation under this schedule have not been dnly furnished; or

(6) that the applicant has not satisfied the Corporation in regard to any objections which may have been taken under these rules to the grant of the said permission.

(Schedule XVII.-Rules as to the use of building-sites and the execution of building-work.—Rules 60—64.)

60. When the Corporation have given permission to execute any work, the approved plans of the work shall be signed by such officer and in such manner as they may direct.

Signature approved plans.

61. When permission to erect a new building (other than a hut) is refused.—

(a) the Corporation shall retain one copy of the plans submitted, and shall without charge execution furnish the applicant with their reasons for such refusal, in writing, and

Retention plan and submis-sion of fresh application, after refusal to permit

(b) the applicant may at any time thereafter send to the Corporation a fresh application and fresh or modified documents under rate 52 framed with the object of meeting the objections for which such permission was refused.

Work not to be

62. Subject to the provisions of rule 58, the erection of a new building (other than a but) shall not be and antil permiscommenced unless and until the Corporation have ston given. granted written permission for the execution of the work on an application sent to them under rule 52.

63. Notwithstanding anything contained in

rule 59-

(a) if any street shown in the site-plan is an permission intended private street, the Corporation building or conmay, in their discretion, refuse to grant mit n masonry permission to erect a masonry building or building. to convert one or more huts or temporary structures into a masonry huilding until the street is commenced or completed, and

Special powers to Corporation to suspend or grant

(b) the Corporation may for special reasons grant permission to erect a masonry building, or to convert one or more buts or temporary structures into a masoery building, on any site without reference to its position in relation to any street.

64. (1) If the erection of any new huilding (other Lapue of perthan a hut) is not commenced, and a substantial acted pon within portion of it is not completed, within three years after three years, or, if the date on which permission was given to execute certain date the work, the work shall not be commenced or conti- except in certain circumstances nned until a fresh application has been made and a fresh permission granted under this schedule.

(2) At any time hefore the expiry of three years from the date on which such permission was given. the person to whom it was granted may apply to the Corporation for a certificate that the building has

[Ben. Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Ritles 58, 59.)

- (2) When the Corporation grant permission conditionally under clause (a) of sub-rule (1), they may in regard thereto impose such conditions, consistent with this Act, as they may think fit.
- (3) Notwithstanding anything contained in subrules (1) and (2), in any case in which it appears to the Corporation that any public improvements which may render necessary the acquisition of the site of a proposed building or any part thereof are desirable and expedient, they may withhold sanction to the building plans submitted in respect of such building for a period not exceeding three months from the date of such submission.

Remedy if Corporation delay grant or refusal of permission.

58. If within the period prescribed by rule 57, the Corporation have neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rules or by-laws made thereunder.

Grounds on which permission to erect a masonry new building may be refused

- 59. The only grounds on which permission to erect a new building (other than a hut) may be refused are the following namely:—
- (1) that the work, or any of the particulars comprised in the site-plan, building-plans, clevations, sections or specification would contravene some specific provision of this Act or some specific order, rule or by-law made thereunder;

(2) that the application for such permission does not contain the particulars or is not prepared in the

manner prescribed in this schedule;

(3) that, in the case of a new building (other than a lant) lalling within the street alignment or buildingline of a public street projected under section 63 of the Calentta Improvement Act, 1911; the permission of the Chairman of the Board of Trustees for the Improvement of Calentta has not been obtained;

(4) that any of the documents referred to in rule 52

have not been signed as prescribed in rule 51:

(5) that any information or documents required by the Corporation under this schedule have not been duly furnished; or

(6) that the applicant has not satisfied the Corporation in regard to any objections which may have been taken under these rules to the grant of the said nermission.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 60—64.)

60. When the Corporation have given permission to execute any work, the approved plans of the work approved plans, shall be signed by such officer and in such manner as they may direct,

Signature

61. When permission to erect a new building (other than a hut) is refused,-

(a) the Corporation shall retain one copy of the plaus submitted, and shall without charge execution turnish the applicant with their reasons for such refusal, in writing, and

Retention plan and submesapplication, after refusal to permit

applicant may at any time thereafter send to the Corporation a fresh application and fresh or modified documents under rule 52 framed with the object of meeting the objections for which such permission was refused.

Work not to be

62. Subject to the provisions of rule 38, the erretion of a new building (other than a hut) shall not be commenced unless commenced unless and until the Corporation have son given granted written permission for the execution of the work on an application sent to them under rule 52.

63. Notwithstanding anything contained in rule 59-

Special powers to Corporation to suspend or grant etc.,

- (a) if any street shown in the site-plan is an permission intended private street, the Corporation building or conmay, in their discretion. lefuse to grant more a manufity permission to creet a masoury building or building to convert one or more huts or temporary structures into a masoury building until the street is commenced or completed, and
- (b) the Corporation may for special reasons grant permission to creet a masoury building, or to convert one or more huts or temporary structures into a masoury building, on any site without reference to its position in relation to any street.

64. (1) If the erection of any new building tother than a hut) is not commenced, and a substantial seed to return than a hut) is not commenced. portion of it is not completed, within three years after "" stronger, if the date on which permission was given to execute error date, the work, the work shall not be commenced or continuents to continuents nned until a fresh application has been made and a fresh permission granted under this schedule.

(2) At any time before the exptry of three years from the date on which such permission was given the person to whom it was granted may apply to the Corporation for a certificate that the building has

Ben, Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Ritles 58, 59.)

- (2) When the Corporation grant permission conditionally under clause (a) of sub-rule (1), they may in regard thereto impose such conditions, consistent with this Act, as they may think fit.
- (3) Notwithstanding anything contained in subrules (1) and (2), in any case in which it appears to the Corporation that any public improvements which may render necessary the aequisition of the site of a proposed building or any part thereof are desirable and expedient, they may withhold sanction to the building plans submitted in respect of such building for a period not exceeding three months from the date of such submission.

Remedy if Corporation delay grant or refusal of permission.

58. If within the period prescribed by rule 57, the Corporation have neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rules or by-laws made thereunder.

Grounds. which permission to erect a masonry new building may be refused

- 59. The only grounds on which permission to erect a new building (other than a hut) may be refused are the following namely:-
- (1) that the work, or any of the particulars comprised in the site-plan, building-plans, elevations. sections or specification would contravene some specific provision of this Act or some specific order. rale or by-law made thereunder;
- (2) that the application for such permission does not contain the particulars or is not prepared in the manuer prescribed in this schedule;
- (3) that, in the case of a now building (other than a but) falling within the street alignment or buildingline of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the of 1911 Chairman of the Board of Trustees for the Improvement of Calcutta has not been obtained:

(4) that any of the documents referred to in rule 52

have not been signed as prescribed in rule 51; (5) that any information or documents required by the Corporation under this schedule have not been daly farmished; or

(6) that the applicant has not satisfied the Corporation in regard to any objections which may have been taken under these rules to the grant of the said permission.

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of 1923,)

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 60-64.)

60. When the Corporation have given permission to execute any work, the approved plans of the work shall be signed by such officer and in such manner as they may direct.

Signature approved plans.

When permission to erect a new building (other than a hut) is refused,—

Retention of plan and aubmusaion of application, after

- (a) the Corporation shall retain one copy of the application, after plans submitted, and shall without charge execution furnish the applicant with their reasons for such refusal, in writing, and
- (b) the applicant may at any time thereafter scud to the Corporation a fresh application and fresh or modified documents under rule 52 framed with the object of meeting the objections for which such permission was refused.
- 62. Subject to the provisions of rule 58, the erection of a new building (other than a hut) shall not be commenced unless commenced unless and until the Corporation have sion given granted written permission for the execution of the work on an application sent to them under rale 52.

Work not to be

63. Not withstanding anything rulc 59-

vert huts, etc.,

- 53. Notwithstanding anything contained in Special powers
  59—
  (a) if any street shown in the site-plan is an permission to intended private street, the Corporation building or conmay, in their discretion, refuse to grant permission to erect a masonry building or building to convert one or more buts or temporary structures into a masonry huilding until the street is commenced or completed, and
- (b) the Corporation may for special reasons grant permission to creet a masonry huilding, or to convert one or more buts or temporary structures into a masorry building, on any site without reference to its position in relation to any street.
- 64. (1) If the erection of any new building (other Lapse of perthan a hut) is not commenced, and a substantial methan setted powerfulne portion of it is not completed, within three years after three years, or, if portion of it is not competed, which the date on which permission was given to execute granted before a the date on which permission was given to execute granted before the date of the work, the work shall not be commenced or continuous except to certain the continuous and commitments. nued until a fresh application has been made and a fresh permission granted under this schedule.

(2) At any time before the expiry of three years from the date on which such permission was given. the person to whom it was granted may apply to the Corporation for a certificate that the building has

[Ben. Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 65-68,)

been commenced and a substantial portion of it already completed; and the Corporation shall thereupon cause the said building to be inspected, and if they consider that a substantial portion of it has been completed, they shall grant a certificate to that effect.

(3) If any masonry building, permission to creet which was granted before the commencement of this Act, is not wholly completed within three years from the commencement of this Act, the said permission shall be deemed to have lapsed, and any work done thereunder, after the said three years, shall be deemed to have been done without permission:

Provided that the Corporation may, for special

reasons, extend the said period of three years.

Power to Corporation to cancel permission on the ground of material misrepresentation by applicant.

masons, extend the satt permission to erect any masonry building has been given, the Corporation are satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the application made under rule 52, or in the plans, elevations, sections or specifications submitted therewith in respect of such building, they may cancel such permission, and any work done thereunder shall be deemed to have been done without permission.

#### Part VIII.-Huts.

Continuous lines.

66. (1) Huts in a bustee shall be built in continuous lines, in accordance with an alignment to be prescribed by the Corporation and demarcated on the ground, after hearing the objections (if any) of the owner of the bustee and the owners of the huts affected by the alignment.

(2) If the Corporation are of opinion that huts in a busies are likely to be creeted hereafter on any vacant land they may, after hearing the objections (if any) of the owner of the land and the owners of the huts

affected by the alignment,-

(a) prescribe alignments for huts on such land, and

(b) from time to time alter such alignments.

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67. When an alignment has been prescribed under rule 66, no but shall be erected so that the distance measured from its cave to such alignment is less than six feet.

the of spaces referred to in rule 67, between a hut and an alignment, shall remain private property, subject to a right in the Corporation to use them for

of 1923,]

1908.

(Schedule XVII.-Rules as to the use of building-sites

and the execution of building-work.—Rules 69—77.)

the purposes of seavenging or for any of the other purposes of this Act:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 19081, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of the bustee.

69. Notwithstanding anything contained in rule 66 or rule 67. huts in a bustee may, with the in a bustee special sanction of the Corporation, be erected so as to mation form an open court-yard comprising at least onefourth of the whole area occupied by the buts and

court-vard:

Provided that no hut erected under this rule shall

contain more than one-storey.

Where huts other than huts in a bustce are creeted so as to form an open court-yard, the area of pard in hute not in a butter the court-yard shall not be less than one-fourth of the area occupied by the huts and court-yard.

71. There shall be between any two huts a space of at least three feet, measured from eave to eave

72. Except with the sanction of the Corporation, Distance of huts no hut shall be placed at a greater distance than and one hundred feet from the nearest part of a metalled street. and sewered street, unless there be a municipal or bustee drain at a distance of not more than twenty feet from the site of such hut.

73. Except with the sanction of the Corporation, Distance no portion of a hat shall be placed within six feet between hat and manny builting.

of a masonry bailding :

Provided that this rule shall not preclude the erection of huts in the compound of a masoury huilding in any case where masonry out-office- would he permissible.

74. No but used for human habitation shall be Durance placed within six feet of a cow-house, cattle-shed or cow-loan, etc.

stable.

Every hut abutting on a street or passage, whether public or private, shall be constructed so as growing of water not to project over, or admit of water from the roof over ever falling upon, or injuring, such street or passage.

No but shall comprise more than two-storeys or shall exceed twenty feet in height, measured from the floor level to the junction of the walls with the roof.

77. The floor-level of a hut shall be raised at least two feet above the level of the centre of the nearest street or passage, and the floor shall be paved for-

Area of court.

Space between .

metalled pewered

Prohibition of

Ueig':

Platt.

(Schedule XVII.-Rules as to the use of building-sites . and the execution of building-work.—Rules 78-80.)

with brick-on-edge, cement, concrete or some similar material approved by the Corporation:

Provided that the floor of a stable or cow-shed may be one foot above such level.

78. (1) The whole of at least one side of every room in a hut shall either be an external wall or abut

on an open court-yard or on an open verandah. (2) Every room in a hut, which is intended to be

used as an inhabited room, shall-

(a) be provided with a doorway of not less than

fifteen square feet in area;

- provided with a window or windows opening directly into the external air or into an open verandah, and having an opening of not less than one-fifteeuth of the floor area of the room:
- (c) have a superficial area of not less than eighty square feet; and
- (d) have a height of not less than eight feet measured from the floor-level to the junction of the walls with the roof.

79. (1) The court-yard (if any) of a hut shall be so raised that the upper surface shall be one foot above the level of the nearest street or passage, and shall be drained into the nearest drain.

(2) The width of such court-yard shall be not less

than eight feet.

(3) Every such court-yard shall be paved with some impermeable material.

Part IX.—Applications or permission to erect new buildings which are huts.

80. (1) Every person who intends to erect a new t, and parti-lurnshed, building which is a but on any land shall send to the Corporation-

(a) an application for permission to execute the

(b) a site-plan of the land,

(c) plans and sections of the hut, and

. (d) a specification of the work.

(2) Every such application shall contain the partienlars and be prepared in the manuer prescribed in that behalf in this schedule.

and every such plan, section and specification shall he signed by the licensed building surveyor who has prepared the same as required by section 323.

Roome

art-vards.

lication to poration by

t a but.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 81, 82.)

81. (1) Every application for permission to creet Application for permission a new huilding which is a hut shall he written on a erect a hut. printed form to be supplied by the Corporation free of charge.

Application for

(2) If it is intended to use the hut, or any part thereof, for any of the purposes specified in Schedole XIX, or as a stable, cattle-shed, or cow-hoose, the fact shall be expressly stated to the said application.

(3) The plans sent with such an application shall be drawn to a scale of oot less than one-eighth of an inch to the foot, shall include a site-plan drawn to a scale of fifty feet to the inch, shall he properly coloured, shall be sent in triplicate, and shall show-

(i) the hut.

(ii) the privy provided or to be provided for the use of occupants of the hut,

(iii) the position and size of the doors and windows,

(iv) all existing haildings standing on the site,

(v) the means of access to the hut from the street or passage on which it abuts,

(14) the position of the but in relation to all huts, streets, passages, privies and tanks within a distance of fifty feet from the site. and

(vii) such other particulars as may be prescribed by the Corporation.

Explanation to clause (iv) -If it is intended to demolish or after any existing building on the site, such building shall be particularly specified and it shall be expressly stated in the aforesaid application referred to in sub-rule (I) that the applicant undertakes to demolish or after the same, as the case may be.

82. (1) The Corporation may, on receipt of an application under rule 80, require the applicant—

(a) to furnish them with any information oo matters referred to in role 80 which has not already been given in the documents received thereunder, or with a proper siteplan as prescribed by that rnle, or

(b) to satisfy them in regard to any objections which may have been taken onder these rules to the graot of permission to execute the work.

(2) If any information or plan required nuder sobrule (1) is, in the opinion of the Corporatioo. iocomplete or defective, they may require further information or a fresh plan to be fornished

Power to Corporation to require further information or proper site-plan.

FBon. Act III

(Schedule XVII.-Rules as to the use of building-sites and the execution of building-work .- Rules 83-86.)

(3) If any requisition made under sub-rule (1) or sub-rule (2) is not complied with within two months. the application received under rule 80 shall be refused.

Power to Corporation to employ licensed building surveyor to prepare site. plan, etc., for hut.

- 83. The Corporation may-
  - (a) on the application of any nerson who intends to erect a new building which is a lint. and
  - (b) on payment, by such person, of such fees as the Cornoration may prescribe in that behalf.

employ a licensed building surveyor to prepare, in respect of such but, the plans, sections and specifications prescribed by rule 80.

Permission to execute work when to be given or refused.

Within fourteen days after the receipt of 84. any application made under rule 80 for permission to erect a new building which is a but, or of any information nlau or further information or plan fresh reautred under this schedule. within fourteen days after the Corporation have been satisfied that there are no objections which may lawfully be taken to the execution of the work. the Cornoration shall. by written order. grant such permission or refuse to grant the same on one or more of the grannds mentioned in rule 86.

Remedy Corporation delay grant or refusal of permission,

85. If, within the period prescribed by rule 81, the Corporation bave neither granted nor refused to grant permission to erect a new hailding which is a lint, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made thereunder.

Orognda may be refused

The only grounds on which permission to which permission erect a new building which is a but may be refused are the following, namely:-

- contravene some (1) that the work would specific provision of this Act or some specific order, rule or by-law made therenuder:
- (2) that the application for such permission does not contain the particulars, or is not prepared in the manner, prescribed in this schedule ;

en Act V

(Schedule XVII.-Rules as to the use of building-sites and the execution of building-work.—Rules 87—89.)

> (3) that, in the case of a new building which is a but falling within the street alignment or building-line of a public street projected under section 63 of the Calentia Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the Improvement of Calcutta has not heen obtained:

> (4) that any plan, section or specification has not been signed as prescribed by rule 80, sub-rule (2):

- (5) that any information or plan required by the Corporation under this schedule has not been duly furnished; or
- (6) that the applicant has not satisfied the Corporation in regard to any objections which may have been taken under these rules to the grant of the said permission.

87. When permission to ercet a new building which is a hut is refused,-

(a) the Corporation shall retain one copy of appleation after each of the plans, and shall without charge means to see a furnish the applicant with their reasons for hot. such refusal in writing, and

(b) the applicant may at any time send to the Corporation a fresh application and a fresh or modified plan under rule 80 framed with the object of meeting the objections for which such permission was refused.

88. (1) Subject to the provisions of rule 85, the crection of a new building which is a hut shall not be commenced unless that the commenced unless commenced unless and until the Corporation have son given granted written permission for the execution of the work on an application sent to them under rule 80.

(2) If any hat, permission to crect which was granted before the commencement of this Act, is not wholly completed within three years from the com-mencement of this Act, the said permission shall be decmed to have lapsed and any work done thereunder, after the said three years, shall be deemed to have been done without permission.

89. If the erection of any new huilding which is Lapse of permisa hut is not commenced within six months after the spon within six date on which permission was given to execute the months. work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this schedule.

Retention plane, and mission of fresh

Ben. Act III

S chedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 90—92.)

Part A.—Application of rules in this schedule to allerations of, and additions to, buildings.

Relaxation of

90. In applying rule 3 in the case of an alteration of, or addition to, any building, the angle at which the lines referred to in sub-rule (1) of that rule are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

Provided that nothing contained in this rule shall authorize any addition to a building which would make it higher than any building which, at the commencement of this Act, was standing on the same portion of the site unless it is otherwise permissible under this schedule.

Applicability of rule 30 to alterations and additions above the ground floor.

91. Rule 30 shall apply to alterations of, or additions to, any domestic building, public building or building of the warehouse class [not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of sub-section (1) of section 324] above the ground-floor, even though the open space required under the said rule has not been left on the ground-floor.

Restriction on application of rules 52 to 65, or 80 to 89.

- 92. (1) Rules 52 to 65, or rules 80 to 89, as the ease may be, shall not be applied in the ease of any alteration of, or addition to, a building unless one or more of the following works is or are undertaken, namely:
  - (a) the construction or re-construction of a roof or an external or party wall,
  - (b) any repairs to the building which involve the re-construction of-

(i) a masonry wall,

(ii) the floor of a room (excluding the ground-floor).

(iti) a lift-shaft, or (iv) a chimney,

after the same has been entirely or in great part demolished,

(c) the closing of any door or window in an external wall,

(d) the construction of an internal wall or parti-

(c) any other alteration of the internal arrangements of a building which affects an afteration of its court-yard or count-yards or its drainage, ventilation or sanitary arrangements, or which affects its security. (Schedule XVII.--Rules as to the use of building-sites and the execution of building-work.—Rules 93, 94.)

- (f) the addition of any building, room, out-house or other structure,
- (a) the roofing of any space between one or more walls and huildings.
- (h) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (i) the conversion of two or more places of human habitation into a greater number of such nlaces, or
- (i) the alteration of a building for the purpose of effecting a partition amongst joint owners.
- (2) In the case referred to in clause (q) of sub-rule (1), the said rules 52 to 65, or rules 80 to 89, as the case may be, shall apply only as regards the structure which is formed by roofing a space, and not as regards adjoining huildings.
- 93. (1) If, in any case of urgency arising from causes he youd his own control, any person desires to undertake without delay any of the works referred to work in cases of in rule 92, he may send to the Corporation an application for provisional permission to proceed with the work.

Grant of provi aional permission

(2) Such application shall contain an explanation of the argency and a general description of the work proposed to be undertaken.

(3) Within a period of three days after the receipt of any such application, the Corporation shall, by written order, either grant or refuse to grant provi-

sional permission to proceed with the work.

(4) If, within the said period of three days, the Corporation have neither granted nor refused to grant such provisional permission, the same shall be deemed to have been granted and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rule or by-law made thereunder.

(5) Whenever such provisional permission is granted, and in any case provided for by sub-rule (4), the applicant shall, within fifteen days, send to the Corporation a regular application for permission to execute the work; and if he fails to do so, the provisional permission shall be deemed to be withdrawn.

94. (1) Notwithstanding anything contained in this schedule, but subject to the provisions of scetton formula 331, the Corporation may at any time, in dealing provided under with any application to ereet a new building as section 331 defined in sub-clauses (b) (c) or (d) of clause (46) of

Ben. Act III

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work—Rule 94.)

section 3 or to add to, alter, or do any other work referred to in section 330 to, any building erected before the first day of April, 1900, relax, for special reasons to be recorded in writing, the following rules in this schedule in the manner and eircumstances specified hereunder, namely:—

(a) Rules 30 and 32 may be relaxed so as to prevent the demolition of any material part of any masonry building existing on the space required to be kept open under the said rules:

#### Provided that-

- (i) the new huilding conforms to the other rules of this schedule; and
- (ii) in no case shall the height or extent of the buildings on the said space he increased or added to, nuless this is otherwise permissible under the said rules.
- (b) Rule 29 may be relaxed provided that the hailding conforms with the provisions of either rule 23 or rule 30.
- (2) Notwithstanding anything contained in this schedule, but subject to the provisions of section 331, the Corporation may at any time, in dealing with an application to add to, alter, or do any work referred to in section 330 to, any building erected before the 1st day of April, 1900, relax, for special reasons to be recorded in writing, rule 23, provided that some substantial increase is nevertheless made in the area of the open space belonging to the premises and already forming a part of the site.

(Schedule XVIII .- Rules for the inspection and regulation of land and buildings.—Rules 1—3.)

#### SCHEDULE XVIII.

Rules for the inspection and regulation of LAND AND BUILDINGS.

[See sections 364 (11), 380, 384 and 488.]

1. (1) The Corporation may cause any huilding Power to in-or other premises to be inspected for the purpose of santary purposes. ascertaining the sanitary condition thereof.

(2) If the Corporation have reason to believe that any building is used as a public lodging-house or is let out in rooms to twenty-five or more lodgers, such inspection may be made at any time by day or by night:

Provided that no such inspection shall be made by night except by an officer specially authorized by the Health Officer in that bohalf.

If it appears to the Corporation necessary for sanitary reasons so to do, they may, by written quire notice, require the owner or occupier of any building and line washing inspected under rule 1 to cause the same or any portion thereof to be lime-washed or otherwise cleansed. either externally or internally or both externally and internally.

3. If any land or building .-

(a) by reason of abandonment or disputed owner- quite owner ship or for any other reason, remains untonanted and thereby becomes a resort of land or balding idle and disorderly persons, or

(b) is in a filthy or unwholesome state, or

(e) is complained of by any two or more of the persons residing in its neighbourhood as a nuisance,

the Corporation, after due inquiry, may give written notice to the owner or to any person who is known or helieved to claim to he the owner,

and shall also affix a copy of the said notice on the door of the building or on some coaspicuous part of the land, as the case may be,

requiring the said owner or any person who is known or believed to claim to be the owner properly to secure, enclose, cleanse or clear the same or otherwise abate the nuisance.

Power to Cor-

Power to Corperation to rewhich is unten-anted, filthy or a misance.

[Bon. Act III

(Schedule XVIII.—Rules for the inspection and regulation of land and buildings.—Rules 4-6.)

Power to Oorporation to demolish, repair or secure wall, building or fixture in a runnous state, etc.

4. (1) If any wall or building, or anything affixed thereto, be deemed by the Corporation to be in a ruinous state, or likely to fall, or to be in any way dangerous, they shall forthwith cause a written notice to be served on the owner and also to be put on some conspicuous part of the wall or building or served on the occupier (if any) of the building, requiring such owner or occupier, forthwith to demolish, repair or secure such wall, building or thing as the case may require.

(2) The Corporation may also, if it appears to them to be necessary to do so, cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such wall or building, for the safety of the public or the immates thereof; and may also, after giving them such notice as the Corporation may think necessary, require the immates

of the building to vacate it.

(3) The provisions of this Act and of any rules or by-laws made thereunder relating to buildings shall apply to any work done in pursuance, or in con-

sequence, of a notice issued under sub-rule (1).

5. If any building, or any part of a building, be demolished by the Corporation under section 510, in pursuance of a notice issued under rule 4, they may sell the materials thereof and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore to the owner any surplus

arising from such sale.

6. (1) Whenever the Corporation consider—

(a) that any building is, by reason of its having no plinth or having a plinth of hisafficient height, or by reason of the want of proper drainage or ventilation, or by reason of the impracticability of cleansing, attended with risk to the health of the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the

public health, or

(b) that any block of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as afore-

said.

they may cause a written notice to be fixed to some conspicuous part of the building or block, requiring the owners or occupiers thereof, or, at the option of the Corporation, the owners of the land occupied

Power to Corporation to sell materials of buildings demolished in pursuance of notice issued upder rule 4

Further powers to Corporation with reference to insonitary or congested buildings

# (Schedule XVIII.-Rules for the inspection and regulation of land and buildings.—Rule 7.)

by such building or block. Io execute such works or take such measures as the Corporation may deem

necessary for the prevention of such risk.

(2) Where any building, or part thereof, in respect of which a notice has been issued under sub-rule (1). has been demolished in pursuance of un order made by a Magistrate under section 361, the Corporation shall pay reasonable compensation to the owner thereof.

7. (1) When---

(a) any well, pool, ditch, tank, pond, pit or the filing up, etc., marshy or undrained ground, or

(b) any cistern, reservoir or water-butt or any other receptacle or place where water is stored or accumulates, or

(c) any waste or staguant water, whether within any private enclosure or not.

annears to the Corporation to be or to be likely to become injurious to health or offensive to the neighbourhood or in any other respect a nnisance, they may, by written notice, require the owner or occupier of the land or building to which such well, pool, ditch, tank, nond, pit, ground, cisteru, reservoir, water-butt, receptacle, place or water pertains.

to cleanse or to fill up the same with snitable material or to drain off or remove water therefrom or to take such other order therewith as the Corpora-

tion may deem necessary.

(2) Where, in the opinion of the Health Officer, such well, pool, ditch, tank, pond, pil, ground. cistern, reservoir, water-butt, receptacle, place or water is or is likely to become a breeding place for mosquitoes, he may enter upon the premises to which it pertains and take such steps as he thinks proper to cleanse the same.

- (3) If the Corporation, in exercise of the powers eonferred by section 510, execute any work referred to in a notice issued under sub-rule (1), and if the person liable to pay the expenses of such work fails to pay the same, the Corporation may, until such expenses are paid,-
  - (i) lease any part of the land used in connection with the said well, pool, ditch, tank, poud, pit. eistern, reservoir, water-butt, receptacle, place or water, or any part of the said ground, as the case may be, or

(ii) retain possession of the same, or the site thereof, and ntilize it for public purposes.

Power to Corof unwholesome wells, pools, etc.

[Bon, Act III

(Schedule XVIII.—Rules for the inspection and regulation of land and buildings.—Rules 8, 9.)

(4) If the said expenses be paid by an occupier of land, he may, in the absence of any agreement to the contrary, deduct the same from any rent due to the owner of the land.

Power to Executive Officer to take action in case of a serions nuisance affecting the public health,

Power to Corporation to regulate excavations

8. On receipt of a written report from the Health Officer of the existence of a serious unisance likely to affect the public health or to prove offensive to the neighbourhood, the Excentive Officer may take immediate action for the abatement or removal of such unisance.

9. (1) The Corporation may, by a general order, or by an order to affect such portion of Calcutta as may be specified therein, prohibit—

(a) the making of excavations for the purpose of taking earth therefrom, or of storing rabbish or offensive matter therein, and

(b) the digging of cesspools, tanks, ponds, wells or pits, without the special permission of the Corporation.

(2) Every such order shall be published in the Calcutta Gazette.

(3) No person shall make any excavation referred to in clause (a) of sub-rulo (i), or dig any cesspool, tank, pond, well or pit, in contravention of any such order.

(4) If any such exeavation, eesspool, tank, pond, well or pit is made or dug after the publication of any such order and without the permission required thereby, the Corporation may, by written notice, require the owner or occupier of the hand on which the same is made or dug to fill it up with earth or other material approved of by the Corporation.

797

of 1923.]

(Schedule XIX.—Gertain purposes for which premises may not be used without a license.)

#### SCHEDULE XIX.

CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

[See sections 386, 389, 494 and 495, and Schedule XVII. rules 53 (4) and 81 (2).]

- (1) Casting metals.
- (2) Manufacturing bricks, pottery or tiles.
- (3) As a knacker's yard.
- (4) As a hido godown or hide serew-house.
- (5) As a manufactory or place of business from which offensive or unwholesome smells, fumes, or dust arise.
- (6) As a depôt for hay, straw, wood, coal, coke, waste-paper or rags.
- (7) Packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

cloths or threads in pottery, indigo or other colours paper, silk.

[Ben. Act III

(Schedule XIX.—Certain purposes for which premises may not be used without a license.)

(8) Storing, packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

blasting powder, blood. bones, brass. candles. catgut, chemical preparations, china grass, cocoanut fibre. cotton (other than cotton pressed into bales). or cotton refuse or seed. dammer (resin or rosin). dynamite. fat (edible or nonedible). fins. fireworks. fish. flax. flour. fulminate of mercury, gas. gluc, grain, gun-cotton. gun-powder, hair, hemp, hides. hoofs. horns. iron. iutc. kaslin.

lampblack, leather. lime. manure, matches for lighting, molasses. nitro-glycering. offal. oil (edible or noncdible). oil-cloth, paint, pakra sced, pitch, rags, rosin, saltpetre, skins. soap, soap-stone, spirits. stecl. sugar, sulphur, surki. tallow. tar, tin. tobacco. tow. turnentine, varnish. verdigris, waste-paper wool.

of 1923.)

(Schedule XX.-Form of Certificate.)

#### SCHEDILE XX.

#### FORM OF CERTIFICATE.

(See sections 423 and 425.)

Tot

I, the undersigned, public analyst for the
do hereby certify that I received on the
day of 19, from?
sample of for analysis (which then
weighed) and have analysed the same
and declare the result of my analysis to be as
follows:—

I am of opinion that the same is a sample of

# Observations.

Signed this

day

19 .

А. В.

a f.

NOTE.—In the case of a certificate regarding milk, butter or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis

I Here insert the name of the person submitting the article for analysis.

Illere insert the name of the person delivering the sample. If the sample is received by post or by railway, entry should be made accordingly.

<sup>5</sup> When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled

o whether the palatable, or ad may state

[Ben, Act III

(Schedule XXI.-Registration of births.)

# SCHEDULE XXI.

#### REGISTRATION OF BIRTHS.

(See sections 450 and 451.)

# 19 . Births in the district of

								· · · · · · · · · · · · · · · · ·			
1	3	3	4	5	6	7	8	, ,	10	11	
Serial number.	Date of birth	Place of Math.	Nutionality or casto.	Nav e, if any.	Sex.	Name of father.	Profession of father.	Signature, description and residence of informant,	Date of registration	Signature of Registrar.	
				The second of th						-	

(Schedule XXII.—Registration of deaths.) \*\*\*

# SCHEDULE XXII.

#### REGISTRATION OF DEATHS.

(See sections 450, 452, 453 and 455.)

# 19 Deaths in the district of Residence previous to lastillnass Signature of Registrar Date of registration. feelal number, Date of death.

# 801 THE BENGAI SMOKE-NÜISANCES (AMENDMENT) AGT, 1923.

[Ben. Act IV of 1923.]

# (Section 3.)

- (b) after clause (j) the following shall be inserted, namely:—
  - "(jj) prescribe a scale of fees for the examination and approval of plans, the inspection and testing, and the grant of permission for the working of turnaces, flues and chimneys and generally for the services of Inspectors; and".

#### BENGAL ACT No. V OF 1923.

## THE BENGAL CHILDREN (AMENDMENT) ACT, 1923.71

[1st August, 1923.]

An Act to amend the Bengal Children Act, 1922. . with a view to facilitate its early extension to the town and port of Calcutta. the suburbs of · Calcutta and Howrah.

Whereas it is expedient to amend the Bengal Ben, Act 11 of 1922. Children Act, 1923, in the manner hereinafter appearing:

Presm'ile

Geo V. e 101.

And whereas the previous sanction of the Governor General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act:

It is hereby enacted as follows:-

This Act may be called the Bengal Children Short tille (Amendment) Act. 1923.

2. In sub-section (2) of section 1 of the Bengal Children Act, 1922 (hereinafter referred to as the said Bengal Act II of Act), after the word "force" the words "in whole 1922 or in part" shall be inserted and after the word "direct" the words "and for this purpose different dates may be appointed for different provisions of this Act and for different parts of the area defined in sub-section (3)" shall be added.

Amendment of section 1 of

3. To section 28 of the said Act the following shall be added, namely :-

Amendment of

"(4) Notwithstanding anything contained elsewhere in this Act, no order shall be passed sending a child to an industrial school. unless the court is satisfied that accommodation suitable for such child is a vallable."

<sup>1</sup> Yor Statement of Objects and Reasons, see Calcuta Gaistis, 1923, by 1V, p 197, and for Proceedings in Council, see the Bengal Legislative Council Proceedings, 1923, vol. XII, pp. 03-64.

[Ben. Act V of 1923.]

### (Section 4)

Amendment of 4. To section 37 of the said Act the following shall be added, namely:—

"(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a Juvenile Court established for the suburbs of Calcutta, as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, or a Magistrate of the district of the 24-Parganas exercising powers under this Act, may inquire into and try in such place within Calcutta as the Local Government may direct the case of any child or young person who is accused of committing any offence within those suburbs, and such inquiry or trial shall for the purposes of jurisdiction be deemed to be held in the suburbs of Calcutta as so defined.

Any such accused person may be detained, pending trial or on conviction, in any place in Calcutta, which is set apart, under the provisions of this Act or the rulos mado thereunder, for the reception of children or young persons."

#### BENGAL ACT No. VI OF 1923.

# [THE CALCUTTA PORT (AMENDMENT) ACT, 1923.]'

[15th August, 1923.]

An Act further to amend the Calcutta Port Act, 1890.

Presmble.

WHEREAS it is expedient further to amend the Calcutta Port Act, 1890, in the manner hereinafter appearing;

And whereas the previous sanction of the Governor General has been obtained under section 80A, sub-section (3), of the Government of India Act, to the passing of this Act;

It is hereby exacted as follows :-

lif of levo

3 4 6, Geo V, c 61; 6 A i. Geo. V, c 37; 9 A 10, Geo. V, c.

- 1. This Act may be called the Calentta Port short inte (Amendment) Act, 1923.
- 2. After section 24A of the Calcutta Port Act, New sections 1890 (hereinafter called the said Act), the following 24B and 240 shall be inserted, namely:—
  - "24B. (1) The Commissioners in meeting may, from time Establishment of reserve land time. set aside such sums out of their revenue surplus, as they think fit, as a reserve fund or funds for the purpose of providing against any temporary decrease of revenue or increase of expenditure from transient causes or for purposes of replacement, or for meeting expenditure arising from loss or damage from fire, ship-wreck or other accident or for any other emergency arising in the ordinary conduct of their work under this Act:

Provided that the sums set aside as a reserve fund or funds shall not exceed such amount, annual or in the aggregate, as shall from time to time he prescribed by the Local Government.

(2) Such reserve fund or funds may be invested only in the promissory notes and other securities of the Government of India, or in the debentures issued by the Commissioners under this Act.

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, ree Celevita Gazette, 1923, Pr. IV, p. 118, and for Proceedings in Council, ree the Bengal Legislative Council Proceedings, 1923, Vol. XI, No. 5, pp. 376—377, and Vol. XII, p. 55
<sup>1</sup> Bengal Code, Vol. 11

[Ben. Act VI

# (Sections 3, 4.)

24C. (1) For the purposes of any investment which the Com-

Power to reserve debentures or missioners authorised

make by this Act, it shall be lawful for the Commissioners in meeting to reserve and set apart any debentures or securities to be issued by them on account of any loan to which the approval of the Local Government has been given:

Provided that in the case of any issue offered to the public, the intention so to reserve and set apart such debentures or securities shall have been notified as a

condition of the issue of the loan.

(9) The issue of any such debentures or securities direct to and in the name of the Commissioners themselves shall not operate to extinguish or cancel such debentures or securities, but every debenture or security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(3) The purchase by the Commissioners or the transfer, assignment or endorsement to the trastees of the sinking fund or the Commissioners, of any debenture or security issued by the Commissioners, shall not operate to extinguish or cancel any such debenture or security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person."

Amendment of rection in

- 3. In the provise to section 30 of the said Act, for the words, letter and brackets "except clause (g) thereof" the following shall be substituted, namely:—
  - " except clauses (g) and (h) thereof."
- Insertion of 4. After section 30 of the said Act, the follow-new section 30% ing shall be inserted, namely:-
  - "30A The Commissioners may, with the approval
    Power to Commissioners to establish of the Local
    provident fund and to grant long Government.—
    - (i) establish a provident fund for the neuelit of their officers and servants

#### (Section 5.)

appointed in accordance with the provisions of this Act, and compel all or any of such officers and servants to contribute to, and make supplementary contributions to, such provident fund and make payments thereout in accordance with the rules of such fund; and

(ii) make payments ont of their general revenues of bonuses, based on the length of service of the officers and servants appointed in accordance with this Act, to such officers and servants or to the widows or dependent children of such of them as may die while still in the service of the Commissioners."

#### 5. In section 31 of the said Act,-

Amendment

- (1) in sub-section (1)—
  - (a) the word "and" at the end of clause (f) shall be omitted;
  - (b) after clause (f) the following shall be inserted, namely:—
    - "(g) for prescribing the rates and the conditions under which contributions may be paid by the Commissioners and their officers and servants to the provident fund which may be established under section 30A, and for determining the conditions of payments from the fund and the conditions of payments under clause (it) of section 30A of bonness based on length of service; and '
  - (c) the existing clause (g) shall be renumbered as clause (h);
- (2) in sub-section (2) for the word, letter and brackets "clause (y)" the word, letter and brackets "clause (h)" shall be substituted:

,

[Ben, Act VI

# (Sections 6, 7.)

(3) in sub-section (3) for the words, letter and brackets "or clause (g)" the following shall be substituted, namely:

"and under clauses (g) and (h)."

- Amendment of 6. For sub-section (1) of section 71 of the said Act, the following shall be substituted, namely:—
  - "(1) The estimate as sanctioned by the Commissioners shall, not later than the first day of March next following, be submitted to the Local Government, who may, at any time prior to the first day of April next following, either disallow or modify such estimate, or any portion thereof, and return the same for amendment."
- New section 7. After section 72 of the said Act. the following shall be inserted, namely:--
  - "72A. The Commissioners in meeting shall be at liberty, in any

Excess expenditure by Commissioners rependiture by Commisyear, to expendit in addition to

the sums sanctioned by the estimate for that year as approved by the Local Government,—

- (a) any sum or sums chargeable to rovenue, the expenditure of which shall in their opinion be necessary and which could not reasonably have been anticipated at the time of the preparation of the estimate, if and when such sums are covered by their revenue carnings received up to the time of such expenditure;
- (b) any sum or sums on any object not included in or estimated for in the estimate, if and when such sums can be met from ascertained savings on the estimate as a whole:

Provided that in pursuance of the provisions of this clause-

(i) not more than fifty thousand rupers shall be expended on any one object, and

#### (Sections 8, 9.)

(ii) without the sanction of the Local Government, not more than one lakh and fifty thousand rupees shall be expended in any one year.

The Commissioners shall submit annually to the Local Government a statement of all such expenditure."

8. For section 73 of the said Act, the following substituted shall be substituted, namely :section 73.

"73. Subject to the provisions of section 72A, no sum exceed-

Adherence to estimate

ing twenty thousand runees shall, except in cases of pressing emergency, be expended by, or on behalf of, the Commissioners unless such sum is included in an estimate at the time in force which has been finally approved by the Local Government."

Amendment of 9. In section 74 of the said Act, for the words section 78. "five thousand rapees" the words "twenty thousand rupees" shall be substituted.



# BENGAL ACT No. VII OF 1923.

# THE BENGAL AERIAL ROPEWAYS ACT, 1923.

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- 4. Contents of application.
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- 11. Appointment and duties of Inspectors.
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Tempor prever

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- Remova
   Orders
  - temova tures, etc.

    Inders abject to revision by

    Local

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27. Power of promoter to make by-laws.

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# BENGAL ACT No. VII OF 1923.

# (THE BENGAL AERIAL ROPEWAYS ACT. 1923).1

[29th August,1923.]

An act to authorise, facilitate and regulate the construction and working of aerial ropeways in Bengal.

WHEREAS it is expedient to anthorise, facilitate and regulate the construction and working of aerial ropeways in Bengal:

Preamble.



And whereas the previous sanction of the Governor General has been obtained under section 80A, subsection (3), of the Government of India Act, to the passing of this Act:

It is hereby enacted as follows:--

#### CHAPTER I.

#### Preliminary.

1. (1) This Act may be called the Bengal Aorial Ropeways Act, 1923;

local extent a commencement.

- (2) It extends to the wbolc of Bengal, except the Hill-tracts of Chittagong; and
- (3) It shall come into force on such date as the Local Government may, by notification in the Calcutta Gazette, direct :

Provided that it shall come into operation in the Darjeeling district only on such date and subject to such exceptions and modifications as the Governor in Council may, by notification in the Calcutta Gazette, direct.

2. In this Act, nnless there is anything repugnant in the subject or context,-

Definitions (1) "nerial ropeway" means an aerial ropeway

(or any portion thereof) for the carriage passengers, animals or goods, includes all posts, ropes, carriers, stations. offices, warehouses, workshops, machinery and other works used for the purposes of, or in connection with, and all land appurtenant to, such acrial ropeway :

<sup>&</sup>lt;sup>1</sup> For Statement of objects and Reasons, see Calestia Gasette, 1922. Pt. 1V, p. 234 and for Proceedings in Council, see the Bengal Legislative Council Proceedings, 1923, Vol. XI, No. 5, pp. 17-18 and p. 377, and Vol. XII, pp. 41-54.

Ben. Act VII

# (Chapter I .- Preliminary .- Section 2.)

- (2) "carrier" means any vehicle or receptacle hung or suspended from, or hauled by, a rope and used for the carriage of passengers, animals or goods or for any other purpose in connection with the working of an aerial ropeway:
- (3) "Collector" means the chief officer in charge of the land-revenue administration of a district, and includes any officer specially appointed by the Local Government to discharge the functions of a Collector under this Act;
- (4) "Inspector" means an Inspector of acrial ropeways appointed under this Act;
- (5) "local authority" means a Municipal Committee, District Board, body of Port Commissioners or other authority legally entitled to, or entrasted by the Government with, the control or management of a municipal or local fund, and also includes a Local Board;
- (6) "order" means an order authorising the construction of an aerial ropeway under this Act;
- (7) "post" means a post, trestle, standard, strut, stay or other contrivance or part of a contrivance for carrying, suspending or supporting a rope;
- (8) "prescribed" means prescribed by rules made by the Local Government under section 42;
- (9) "promoter" means-
  - (i) the Local Government.
  - (ii) a local authority,
  - (iii) any person,
  - (iv) any company incorporated under the vit Indian Companies Act, 1913, or in
  - (v) any railway company as defined in the ixities, Indian Railways Act, 1890.

in whose favour an order has been unde under section 7 or under section 28, or on whom the

(Chapter II.-Aerial Ropeways for Public Traffic .-Procedure and Preliminary Investigations. Sections 3, 4A

> rights and liabilities conferred and imposed on the promoter by this Act, and by rules and orders made under this Act as to the construction, maintenance and use of the acrial ropeway, have devolved or have been imposed by section 10:

- (10) "rate" includes any fare, charge or other payment for the carriage of passengers. animals or goods on an aerint ropeway; and
- (11) " rope" includes any cable, wire, rail or way, whether flexible or rigid, for suspending, carrying or hauling a carrier, if any part of such cable, wire, rail or way is carried overhead and is suspended from, or supported an, pasts.

#### CHAPTER II.

#### Agrial Ropeways for Public Traffic.

Procedure and Preliminary Investigations.

3. Every application by an intending promoter Application other than the Local Government for permission to concession, to undertake the necessary preliminary investigations in regard to a proposed aerial ropeway for the public earriage of passengers, animals or goods shall be submitted to the Local Government.

4. Every such application shall include-

Contents cf application.

- (a) a description of the undertaking and of the route to be followed by the proposed aerial ropeway;
- (b) a description of the system of construction and management and of the advantages to the community to be expected from ropeway:
- (c) an estimate of the cost of construction thereof:
- (d) a statement of the estimated working expenses and profits in respect thereof;

[Bon, Act VII

l of 18:

- (Chapter II.—Procedure and Preliminary Investigations.—Orders authorising the Construction of Aerial Ropeways for Public Traffic.— Sections 5, 6.)
  - (e) a statement of the maximum and minimum rates which it is proposed to charge;
  - (f) such maps, plans, sections and drawings in connection therewith as the Local Government may require in order to form an idea of the proposal.

Preliminary investigations. 5. Subject to the provisions of this Act, and of section 1 of the Land Acquisition Act, 1894, the Local Covernment may, at their discretion, accord sanction to the intending promoter to make such surveys as may be necessary, and require him to submit such detailed estimates, plans, sections and specifications and such further information as they may deem necessary for the full consideration of the proposal.

The intending promoter shall not be outiled to claim any compensation from Government for any expense incurred under this section in the event of his application being ultimately refused.

# Orders authorising the Construction of Aerial Ropeways for Public Traffic.

Order authorising construction and con- I tents of such conorder

- other-con-made by any intending promoter, and after due such consideration of the details supplied in accordance with section 5, publish in the Catentia Gazette a draft of the proposed order authorising the construction by, or on behalf of, such promoter, subject to such restrictions and conditions as the Local Government may think proper, of an aerial ropeway within any specified area or along any specified route—
  - (a) for the public carriage of passengers;
  - (b) for the public carriage of passengers, animals and goods; or
  - (c) for the public carriage of animals and goods.
  - (2) A notice shall be published with the draft order stating that any objection or suggestion which any person may desire to make with respect to the

(Chapter II.—Orders authorising the Construction of Aerial Ropeways for Public Traffic.—Section 6.)

proposed order, if submitted to the Local Government within such period, not being less than two months from the date of such publication, as may be specified in the notice, will be received and considered.

- (3) The Local Government shall also cause public notice of the intention to make the order to be given at convenient places within the said area or along the said ronte, and shall, so far as may be conveniently possible, cause a like notice to be served on every owner or occupior of land over which such ronte lies, and shall consider any objection or suggestion, with respect to the proposed order, which may be received from any person within the date specified in such notice and decide thereon.
  - (4) The draft of the proposed order may specify-
    - a time within which the capital required for the construction of the aerial ropeway shall be raised;
    - (ii) a time within which the construction shall he commenced;
    - (iii) a time within which the construction shall be completed;
    - (iv) the conditions under which a concession, guarantee or financial assistance may be given by the Local Government or a local authority to the promotor;
      - (v) the rights of purchase by the Local Government or by a local authority;
    - (vi) the conditions relating to the structural design, quality of materials, fuctors of safety, method of computing stresses, and other such technical details as may be considered necessary;
  - (vii) the conditions relating to the construction of the ropeway over mining properties in accordance with rules made under section 42 and over roads and other public ways of communication except such railways and tramways as are referred to in clause (a) of item 5 of Part I of Schedule I to the Devolution Rules, and with the previous sanction of the Governor General in Council over such railways and tramways;

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(Chapter II.—Orders authorising the Construction of Aerial Ropeways for Public Traffic.—Section 7.)

(viii) the conditions under which the promoter may sell or transfer bis rights to the Local Government or to a local anthority,

eompany or person;

(ix) the conditions under which the ropeway may be taken over by the Local Government to be worked by itself or by a local authority or by a company or person other than the promoter;

(x) the motive power to be used on the ropeway and the conditions (if any) on

which such power may be used;

(xi) the minimum headway to be maintained under different parts of the rope;

(xii) the points under the rope at which bridges or guards shall be constructed and main-

tained:

(xiii) the amount of security (if any) to be deposited by the promoter in the event of his application being granted;

(xiv) the traffic which may be carried on the ropeway, the traffic which the promotor shall

be bound to earry, and the traffic which he

may refuse to carry;
(xv) the maximum and minimum rates that
may be charged by the promoter and the
circumstances in which and the manner in
which these rates may be revised by the
Local Government; and

(xvi) such other matters as the Local Government

may deem necessary.

Pinal or fer

- 7. (1) If, after considering any objections or suggestions which may have been made in respect to the draft on or before the specified date, the Local Government are of opinion that the application should be granted with or without modifications, or subject or not to any restrictions or conditions, they shall make an order accordingly.
- (2) Every order authorising the construction of an aerial ropeway for the public varriage of passengers, animals or goods shall be published in the Calcutta Gazette, and such publication shall be conclusive proof that the order has been made as required by this section.

(Chapter II,-Orders authorising the Construction of Aerial Ropeways for Public Traffic.— Inspection of Aerial Ropeways for Public Traffic .- Sections 5-10.)

8. If a promoter authorised by an order to con- Constitution struct an aerial ropeway for the public carriage of powers given by passengers, animals or goods does not, within the time specified in the order,-

- (a) succeed in raising the full amount of capital required for the completing of the ropeway. or
- (b) substantially commence the construction of the ropeway, nr
- (c) enumblete the construction thereof.

the powers given to the promoter by such order shall. unless the Local Government prolongs the time so specified, cease to be exercised.

9. When the construction of an aerial ropeway has opening of licen authorised under this Aet, for the public carriage passeger table. of unimals and goods only, the Local Government may, nn application made by the promoter, sauctlon the mening of such ropeway for the public carriage of passengers also.

# Inspection of Aerial Ropeways for Public Traffic.

10. (1) No aerial ropeway intended for the public Inspection earriage of passengers, animals or goods shall be before opening opened for any kind of traffic nntil the Local Government or an Inspector empowered by the Local Government in this behalf has, by an order. sanctioned the opening thereof for that purpose. The sanction of the Local Government under this section shall not be given until an Inspector has. after inspection of the ropeway, reported in writing to the Local Government-

- (a) that he has made a careful inspection of the ropeway and appurtenances:
- (b) that the moving and fixed dimensions and other conditions prescribed under sub-section (4) of section 6 and sub-section (1) of section 7 have been complied with:
- (c) that the ropeway is sufficiently equipped for the traffic for which it is intended:

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# (Chapter II - Inspection of Aerial Ropeways for Public Traffic.—Sections 11-13.)

- (d) that the by-laws and rules prescribed by sections 27 and 42 have been duly made. approved and published; and
  - (e) that the ropeway is, in his opinion, fit for public traffic and can be used without danger either to the persons, animals or goods carried thercon, or to the persons employed thereon, or to the general public.
- (2) The provisions of sub-section (1) shall extend to the opening of additional sections of the ropeway, and to deviation lines and any alteration or re-construction materially affecting the structural character of any work to which the provisions of sub-section (1) apply or are extended by this sub-section.

# Appointment and duties Inspectors.

- 11. (1) The Local Government may appoint such persons as they deem fit to be Inspectors of nerial ropeways for the public carriage of passengers, animals or goods, and may fix the fees to be charged to promotors for the performance by Inspectors of their duties under this Act.
- (2) It shall be the duty of any such Inspector from time to time to inspect such ropeways, and to determine whether they are maintained in a fit condition and worked with due regard to the convenience and safety of the persons using them and of the general public, and consistently with the provisions of this Act.

#### Powers. In opectors.

ot

12. An Inspector shall, for the purpose of any of the duties which he is anthorised or required to perform under this Act, be deemed to be a public servant within the meaning of the Indian Penal Codet, Act. XLV of and shall, for that purpose, have such powers as may be prescribed.

Pacilities to be afforded Inspersors

13. The promoter, and his servants and agents, shall afford to an luspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act, or by rafes made thereunder.

of 1923.1

(Chapter II .- Construction and Maintenance of Aerial Ropeways for Public Traffic. Section 14.)

# Construction and Maintenance of Aerial Ropeways for Public Traffic.

14. (1) Subject to the provisions of, and to the rules Authority made under, this Act, and, in the ease of immovable execute all necess property not belonging to the promoter, to the provi- sary works sions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, a promoter of an acrial ropeway for public traffic may-

- (a) make such survey as he thinks necessary:
- (b) place and maintain posts in or upon any immovable property;
- (c) suspend and maintain a rope over, along or across any immovable property:
- (d) make such bridges, culverts, drains, embankments and roads as may be necessary :
- (e) creet and construct such machinery, offices. stations, warehouses and other buildings, works and conveniences as may be necessary; and
- (f) do all other acts necessary for constructing. maintaining, altering, repairing and using the acrial ropeway:

Provided that a promoter may take any action under clause (b) or clause (c) of this sub-section, not withstanding the objection of the owner or occupier of the property affected thereby if the Collector, after giving such owner and occupier by notice in writing an opportunity of being heard, by an order in writing, permits such action.

(2) When making an order under the provise to sub-section (1), the Collector shall fix the amount of compensation or of annual rent or of both which should, in his opinion, be paid by the promoter to the owner of the property affected thereby, or, in the case of immovable property, to the owner or occupier thereof.

[Bon. Act VII

Chapter 11.—Construction and Maintenance of Aerial Ropeways for Public Traffic.—Sections (15-17.)

Temporary entry upon land for repairing or preventingaccident.

- 15. (1) Subject to the rules made under this Act a promoter may, at any time, for the purpose of examining, repairing or altering an aerial repeway for public traffic or of preventing any accident, enter upon any immovable property adjoining such repeway, and may do all such works as may be necessary for such purpose.
- (2) In the exercise of the powers conferred by subsection (1), the promoter shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused; and, in a case of dispute as to the amount of such compensation, or the person to whom it shall be paid, the matter shall be referred to the decision of the Collector.

Removal of trees, structures, otc

- 16. (1) Where any tree standing or lying near an aerial repeway for public traffic, or where any structure or other object which has been placed or has fallen near any such repeway subsequently to the issue of an order under section 7 in regard to such repeway, interrupts or interferes with, or is likely to interrupt or interfere with, the construction maintenance, alteration or use of the repeway, the Collector may, on the application of the prometer, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.
- (2) When disposing of an application under subsection (1), the Collector shall, in the case of any tree in existence before the construction of the aerial ropeway, award to the person interested in the tree such compensation, if any, as he thinks reasonable, and the Collector may recover the same from the promoter in the same manner as an arrear of land revenue.

Explanation —For the purposes of this section, the expression "tree" state to deemed to include any shrub, hedge, jungle-growth or other plant.

Orders of Collecsor subject to rerision by Local Gov-rament.

17. No suit shall lie, in respect of any matter referred to in the provise to sub-section (1) of section 41, sub-section (2) of section 14, section 15 or sub-section (1) of section 16, but every order made by a Collector under any of those sections, and every award made by him under sub-section (2) of section 16, shall be subject to revision by the Local Government except in the case of an award of compensation made.

of 1923.1

(Chapter II.-Working of Aerial Ropeways for Public Traffic.—Sections 18-20.)

by the Collector on account of action taken under clause (c) of snb-section (1) of section 14, which award shall be subject to revision by the District Judge.

Working of Aerial Ropeways for Public Traffic.

18. The promoter of an aerial ropeway for public traffic shall, for the purposes of working an aerial ropeway, and subject to such maximum minimum rates as may be prescribed, have power from time to time to fix the rates for the carriage of passengers, animals or goods on the aorial ropeway.

Promoter may fix rates

19. No promoter shall, for the purposes of work- Duty of proing an aerial ropeway for public traffic, make moter aerial or give any undue or unreasonable preference or without partialadvantage to, or in favour of, any particular person or " any partienlar description of traffic in any respect whatsonver, or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

20. When any of the following accidents occur in the course of working an aerial ropeway for public accelents traffic, namely :--

Reporting n#

- (a) any accident attended with loss of human life or with grievous hart as defined in the Indian Penal Code, or with serious ininry to property;
- (b) any accident of a description usually attended with loss of human life or with such grievous hart as aforesaid or with serious injury to property;
- (c) any accident of any other description which the Local Government may specify in this behalf in the rules made under this Act :

the promoter shall, without unnecessary delay, send notice of the accident to the Local Government and to the Inspector of the aerial ropeway:

and the promoter's servant in charge of the station on the aerial ropeway nearest to the place at which

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[Ben. Act VII

(Chapter II.—Working of Aerial Ropeways for Public Traffic.—Discontinuance of Aerial Ropeways for Public Traffic.—Sections 21, 22.)

the accident occurred or, where there is no station, the promoter's servant in charge of the section of the aerial ropeway on which the accident occurred shall, with the least possible delay, give notice of the accident to the Magistrate of the district in which the accident occurred and to the officer in charge of the police-station within the local limits of which it occurred, or to such other Magistrate and police-officer as the Local Government may appoint in this behalf.

Power to close and reopen aerial ropeway.

- to 21. (1) If, after inspecting any aerial ropeway reaction opened to public traffic, an Inspector is of opinion that the ropeway or any specified part thereof cannot be used without danger to the public, or is no longer in a fit state for the curriage of any specified class of traffic, he shall state that opinion, together with the grounds therefor, to the Local Government;
  - and the Local Government, after such further inquiry, if any, as they may think fit, may thereupon order that, for reasons to be set forth in the order, the aerial ropeway, or the part thereof so specified, be closed to all traffic or to any specified class of truffle:

Provided that, in any case of extreme argency, the Inspector may order the suspension of the working of the ropeway or any part thereof which he considers necessary, pending the orders of the Local Government on the case.

(2) When, nuder sub-section (1), an aerial repeway or any part thereof has been closed to any traffic, it shall not be re-oponed to such traffic until it has been inspected, and its re-opening sanctioned, in the prescribed manner.

# Discontinuance of Acrial Ropeways for Public Traffic.

Constion of powers of promoter on discontinuates of aeristropeway.

22. If, at any time after the opening of an aerial topoway for public traffic, it is proved to the satisfaction of the Local Government that the promoter has for three months, discontinued the working of the ropeway or of any part thereof, without a reason sufficient in the opinion of the Local Government, to warrant such discontinuance, the Local Government, if they

of 1923.1

(Chapter II.-Discontinuance of Aerial Roneways for Public Traffic.-Purchase of Aerial Ropeways for Public Traffic .- Sections 23, 24.)

think fit, may declare that the powers of the promoter in respect of such aerial ropeway or part thereof shall be at an end; and thereupon the said powers shall cease and determine.

section 22 in respect of any aerial repeway or of any moral of aerial part thereof, an officer appointed in the contract of aerial 23. (1) When a declaration has been made under part thereof, an officer appointed in that hehalf hy tion of promoter's the Local Government may, at any time after the powers. expiration of two months from the date determined as aforesaid, remove such aerial ropeway or part thereof, as the ease may be:

and the promoter shall pay to the officer so appointed such costs of removal as shall be certified

by that officer to have been inenrred by bim.

(2) If the promoter fails to pay the amount of costs so certified within one month after the delivery to him of the certificate or of a copy thereof, such officer may, without any previous notice to the promoter and without prejudice to any other remedy which he may have for the recovery of the said amount, sell and dispose of the materials of the aerial ropeway or part thereof so removed:

and may, out of the proceeds of the sale, pay and reimburse himself the amount of costs certified as

aforesaid and of the costs of the sale;

and shall pay over the residue (if any) of such proeceds to the promoter.

Purchase of Aerial Ropeways for Public Traffic.

24. (1) When an order under section 7 has been made in favour of a promoter of an aerial ropeway for forement and public traffic, not being the Local Government, or a purchase area local authority, the Local Government, or a local ropeways public traffic. authority specified in the order published under section 7, shall, on the expiration of such period, not exceeding fifty years, and of every such snbsequent period, not exceeding twenty years, as shall be specified in such order, have the option of purchasing the undertaking, and if the Local Government, or the local authority with the previous sanction of the Local Government, elect to purchase, the promoter shall sell the undertaking to

Power of Local

[Ben, Act VII

(Chapter 11.—Purchase of Aerial Ropeways for Public Traffic.—Section 24.)

the Local Government or to the local authority as the case may be, on payment of the value of all lands, huildings, works, materials, plant and apparatus of the promoter, suitable to, and used by him for the purposes of, the undertaking, such value to be in case of difference or dispute determined by arhitration:

Provided that the value of such lands, buildings, works, materials, plant and apparatus shall be deemed to be their fair market value at the time of purchase, due regard heing had to the nature and condition for the time heing of such lands, buildings, works, materials, plant and apparatus, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking:

Provided also that there shall be added to such value, as aforesaid, such percentage, if any, not oxceeding twenty per cent. of that value, as may be specified in the order passed under section 7, on account of compulsory purchase.

- (2) Where a purchase has been effected under sub-section (1)-
  - (a) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the promoter or attaching to the undertaking:

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money in substitution for the undertaking; and

- (b) save as aforesaid, the order published under section 7 shall remain in full force, and the purchaser shall be deemed to be the promoter:
  - Provided that where the Local Government elects to purchase, the order under section 7 shall, after purchase, in so far as the local Government is concerned, cease to have any further operation.

of 1923.]

#### (Chapter II .- Purchase of Acrial Ropeways for Public Traffic.—Inability or Insolvency of Promoter.—Sections 25, 26.)

- (3) Not less than two years' notice in writing of any election to purchase under this section shall be served upon the promoter by the Local Government or the local authority, as the case may be.
- (4) Notwithstanding anything horeinbefore contained, a local authority may, with the previous sanction of the Local Government, waive its option to purchase, and enter into an agreement with the promoter for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (1) upon such terms and conditions as may be stated in the agreement.
- 25. Where, on the expiration of any of the periods referred to in section 24, neither the Local Government when option to nor a local authority purchases the undertaking, and purchase the order published under section 7 is, on the applica- order revoked by tion or with the consent of the promoter, revoked, consent. the promoter shall have the option of disposing of all lands, buildings, works, materials, plant and apparatus belonging to the undertaking in such manner as he may think fit.

Power promoter to sell not

# Inability or Insolvency of Promoter.

26. (1) If, at any time after the opening of an Proceedings in perial ropeway for public traffic, it appears to the or insolvency of Local Government that the promoter is insolvent or promoter is unable to maintain the ropeway, or to work the same with advantage to the public, or at all, the Local Government may deelare that the powers of the promoter, in respect of such aerial 10peway, shall, at the expiration of six months from the date of such declaration, be at an end; and thereupon the said powers shall, at the expiration of that period, cease and deter-

(2) At any time after the expiration of the said six months, an officer appointed by the Local Government in that behalf, may, notwithstanding anything contained in the Provincial Insolvency Act, 1920.1 remove the aerial ropeway in the same manner and subject to the same provisions as to the payment

Ben. Act VII

# (Chapter II .- By-laws .- Section 27.)

of costs and to the same remedy for the recovery thereof, in every respect, as in cases of removal under section 23.

# By-laws.

Power

- 27. (1) A promoter of an aerial ropeway for public promoter to make traffic shall, subject to the provisions of sub-sectiou (3), make by-laws-
  - (a) for regulating the rate of speed at which carriers are to be moved or propelled;
  - (b) for declaring what shall be deemed to be dangerous or offensive goods, and for regnlating the carriage of such goods;
  - (c) for regulating the maximum number of passengers and animals, and the maximum weight of goods, to be carried in each carrier;
  - (d) for regulating the use of steam-power, or any other mechanical power or electrical power, on the aerial ropoway;
  - (e) for regulating the conduct of the promoter's servants:
  - (f) for regulating the terms and conditions on which the promoter will warehouse or retain goods at any station on behalf of the consigned or owner of such goods; and
    - (a) generally for regulating the travelling upon. and the use, working and management of, the acrial roneway.
  - (2) Such by-laws may provide that any person who contravenes the provisions of any of them shall be liable to fine which may extend to any sum not exceeding fifty rapees, and that, in the case of a breach of a by-law made under clause (e) of subsection (1), the promoter's servant responsible for the same shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the promoter from his pay.
  - (3) A by-law made under this section shall not take effect until it has been confirmed by the Local Government and published in the Calcutta Gazette:

Provided that no such by-law shall be so confirmed until it has been previously published by the promoter in such manner as may be prescribed.

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(Chapter III.-Private Aerint Ropeways for certain purposes.—Sections 28, 29.)

#### CHAPTER III.

Private Aerial Ropeways for certain purposes.

28. (1) Where the Local Government are satisfied that the construction, extension, working or manage- acquisition of that the construction, extension, working or manage- land in case of ment of an aerial ropeway for private traffic is likely to prove useful to the public by reason of its facilitate aerial ropeway. ing the transport of commundities in general use or is required for the conservation or service of undertakings supplying those commodities, and where the intending promoter of such aerial ropeway is desirous of any land for the purpose of obtaining construction, extension, working or management, the Local Government may, on the application of such promoter, acquire on his behalf such land under the provisions of Part VII of the Land Aequisition Act, 1894,1 or procure the temporary occupation of the same under the provisions of Part VI of that Act, whether the said intending promoter is or is not a company as defined in that Act.

Application for serial ropeways.

(2) The Local Government shall by notification in the Calcutta Gazette deelare the commodities which shall be deemed to be commodities in general use for the purposes of sub-section (1).

29, (1) No order shall be made by the Local Government under sub-section (1) of section 28 until an inquiry has been held as hereinafter provided and the intending promoter has entered into an agreement the Government in respect of the matters with mentioned in sub-section (4).

Agreement

- (2) Such inquiry shall be held by such officer and at such time and place as the Local Government shall appoint.
- (3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of v of Civil Procedure' in the case of a Civil Court.
  - (4) Such officer shall report to the Local Government the result of the inquiry, and if the Local

<sup>1</sup> General Acts, Vol IV. 2 General Acts, Vol VI

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1 of 19

(Chapter III.—Private Aerial Ropeways for certain purposes.—Chapter IV.—Offences. Penalties and Arrest.—Sections 30. 31.)

Government are satisfied that the ropeway is or is likely to be useful to the public, they shall, subject to any rules made under section 42, require the intending promoter to enter into an agreement with the Government,:

ion of the Local Government.:

numbly:—

- (a) the terms on which the ropeway shall be held by the promoter:
- (b) the time within which, and the conditions on which, the ropeway shall be constructed, maintained and used.
- (5) Every such agreement shall, as soon as may be after its execution, be published in the Calcutta Gazette.

Temporary
occupation of
land in case of
private actual
ropeway

30. If land is to be occupied temporarily in accordance with the provisions of sub-section (1) of section 28 on behalf of the promoter of an aerial ropeway for private traffic, and if the Local Government on the application of the promoter so direct, then the provisions of Part VI of the Land Acquisition Act, 1891, shall apply to such occupation, subject to the provisions that, not withstanding anything contained in section 35 of the Land Acquisition Act, 1891, the occupation and use by the promoter of the land occupied shall continue for such period, not exceeding ten years. as the Local Government may fix, and that the compensation payable to the persons interested in such land shall be fixed with due regard to any additional loss or inconvenience cansed to them by reason of such period of occupation, including loss caused by the interruption of the getting of minerals by reason of such ocenpation.

#### CHAPTER IV.

Offences, Penalties and Arrest.

tenmoter feemoter of 31. If a promoter of an aerial ropeway for public

(a) constructs or maintains an aerial ropeway otherwise than in accordance with the terms of an order made under section 7, or

#### of 1923.1

# Chapter IV .- Offences, Penalties and Arrest .-Section 32.)

(b) opens an aerial ropeway or permits it to be opened in contravention of any of the provisions of section 10, or

(c) fails to comply with the provisions of section

13. or

(d) fails to pay within a reasonable time any compensation awarded by the Collector or by the Local Government under sections 14, 15, 16 or 17, or

(e) contravenes any of the provisions of section 19, or

(f) fails to send notice of any accident us required

by section 20, or

- (q) fails to close an acrial ropeway in accordance with an order passed under sub-section (1) of section 21, or re-opens any acrial ropeway in contravention of sub-section (2) of that section, or
- (h) continues to exercise the powers of a promoter in respect of any acrial ropeway, in con-travention of the provisions of section 22 or section 26, or

(i) fails to comply with the provisions of section 27 or section 36, or

(i) contravence any of the provisions of section 37, or

(k) contravenes the provisions of any rule made under section 42.

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act. or of any other remedy which may be obtained against him) be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, to a further fine which may extend in the ease of an offence specified in sub-clause (d), (e), (f), (i), (j) or (k) to fifty rupees, and in the ease of an offence specified in sub-clause (a). (b), (c), (u. or (h) to one thousand rupees for every day after the first during which the offence continues to be committed.

32. If any person without lawful excuse, the Department burden of proving which shall be upon him, wilfully provier obstructs any person acting under the authority of the same of promoter in the lawful exercise of his powers in constructing, maintaining, altering, repairing

[Ben. Act VII

(Chapter III.—Private Aerial Ropeways for certain purposes.—Chapter IV.—Offences, Penalties and Arrest.—Sections 30, 31.)

Government are satisfied that the ropeway is or is likely to be useful to the public, they shall, subject to any rules made under section 42, require the intending promoter to enter into an agreement with the Government, providing to the satisfaction of the Local Government for the following matters, namely:—

- (a) the terms on which the ropeway shall be held by the promoter;
- (b) the time within which, and the conditions on which, the ropeway shall be constructed, maintained and used.
- (5) Every such agreement shall, as soon as may be after its execution, be published in the Calcutta Gazette.

Temporary
occupation of
land in case of
private senal
ropeway

30. If land is to be occupied temporarily in accordance with the provisions of sub-section (1) of section 28 on behalf of the promoter of an aerial ropeway for private traffic, and if the Local Government on the application of the promoter so direct, then the provisions of Part VI of the Land Acquisition Act, 1894,1 shall apply to such occupation, subject to the provisions that, not withstanding anything contained in section 35 of the Land Acquisition Act, 1894, the occupation and use by the promoter of the land occupied shall continue for such period, not exceeding ten years. as the Local Government may fix, and that the compensation payable to the persons interested in such land shall be fixed with due regard to any additional loss or inconvenience caused to them by reason of such period of occupation, including loss caused by the interruption of the getting of minerals by reason of such occupation.

#### CHAPTER IV.

Offences, Penalties and Arrest.

Failure promoter comply Act. of

to

with

31. If a promoter of an aerial ropeway for public traffic—

(a) constructs or maintains an aerial ropeway otherwise than in accordance with the terms of an order made under section 7, or

I General Acts, Vol 1V

#### of 1923.)

# Chapter IV .- Offeners, Penalties and Arrest.-Section 32.)

- (b) opens an aerial ropeway or permits it to be opened in contravention of any of the provisions of section 10, or
- (c) fails to comply with the provisions of section 13, or
- (d) fails to pay within a reasonable time any compensation awarded by the Collector or by the Local Government under sections 14, 15, 16 or 17, or
- (e) contravenes any of the provisions of section 19, or
- (f) fails to send notice of any accident as required by section 20, or
- (a) fails to close an aerial ropeway in accordance with an order passed under sub-section (1) of section 21, or re-opens any aerial ropeway in contravention of sub-section (2) of that section, or
- (h) continues to exercise the powers of a promoter in respect of any aerial ropeway, in contravention of the provisions of section 22 or section 26, or
- (i) fails to comply with the provisions of section 27 or section 36, or
- (i) contravenes any of the provisions section 37, or
- (h) contravenes the provisions of any rule made under section 42.

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act. or of any other remedy which may he obtained against him) be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, to a farther fine which may extend in the case of an offence specified in snh-clause (d), (e), (f). (i), (j) or (k) to fifty rapees, and in the case of an offence specified in suh-clause (a). (b), (c), (y) or (h) to one thousand rupees for every day after the first during which the offence continues to be committed.

32. If any person without lawful excuse, the Umawful hurden of proving which shall he upon him, wilfully promoter obstructs any person acting under the authority of the exercise of promoter in the lawful exercise of his powers in constructing, maintaining, altering, repairing or

[Ben. Act VII

(Chapter IV.—Offences, Penalties and Arrest.— Sections 33, 35.)

working an aerial ropeway, or injures or destroys any mark made for the purpose of setting out the line or route of such ropeway, he shall be punished with fine which may extend to two hundred rupees.

Unlawfully interfering with aerial rope way.

- 33. If any person without lawful excuse, the burden of proving which shall be upon him, wilfully does any of the following things, namely:—
  - (a) interferes with, removes or alters any part of an aerial ropeway or of the works connected therewith.
  - (b) does anything in such a manner as to obstruct any carrier travelling on an aerial ropeway,
  - (c) attempts to do, or abets, within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (α) or clause (b),

he shall (without prejudice to any other remedy which may be obtained against him in a Court of Civil Judicature) be punishable with fine which may extend to two hundred runees.

Maliciously doing, abeting or attempting to do, acts endangering safety of rersons travelling or being upon aerial ropeway

34. If any person does anything mentioned in clauses (a), (b) or (c) of section 33 or does, attempts to do, or abets, within the meaning of the Indian Penal Code, the doing of any other act or thing in relation to an aerial ropeway with intent or with knowledge that he is likely to endanger the safety of any person travelling or being upon the aerial ropeway, he shall be punished with imprisonment for a term which may extend to fourteen years.

Ariest for offences against certain sections.

- 35. (1) If any person commits any offence under section 32 which obstructs the working of an aerial ropeway for public traffic, or commits any offence punishable with imprisonment under section 34, he may be arrested without warrant or other written authority by any servant of the promoter, or by any police-officer or by any other person whom such servant or officer may call to his aid.
- (2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or to commit him for trial.

of 1923.]

ol 1511.

(Chapter V.—Supplementary Provisions.— Sections 36-40 V

#### CHAPTER V.

#### Supplementary Provisions.

36. A promoter of an aerial ropeway for public traffic shall, in respect of such ropeway, submit to the Local Government returns of capital, receipts and traffic at such intervals and in such forms as may be prescribed.

Return«.

37. No promoter of an aerial ropeway shall, in Protection the course of the construction, repair, working or roads, callways, and management of such ropeway, cause any permanent waterways injury to any public road, railway, tramway or waterway, or obstruct or interfere with, otherwise than temporarily, as may be necessary, the traffic on any public road, railway, tramway or waterway.

38. The Local Government may, if they think Acquisition of fit, on the application of any promoter of an aerial promoter, are ropeway for public traffic desirons of obtaining any land for the purpose of constructing, working or managing such ropeway, direct that he may, subject to the provisions of this Act, acquire such land under the provisions of the Land Acquisition Act, 1894, in the same manner and on the same conditions as it might be acquired if the promoter were a company.

39. No person shall be entitled to a refund of an familiation of claims for damage overcharge in respect of animals or goods earried by to animals an aerial ropeway for public traffic or to compensa- goods tion for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or componsation has been preferred in writing by him or on his behalf to the promoter within six months from the date of the delivery of the animals or goods for carriage by the roneway.

40. (1) Sections I, 2, II, I2, I3, I4, I5, 16, 20 and 21, clauses (c), (f), (q), (j) and (k) of section 31, sections Act to certain 31, 35 and 37, and sub-sections (1) and (3) and clauses ropenays (b), (c), (d), (e), (g), (h), (m), (o), (p) and (q) of subsection (2) of section 42 shall also apply to the private

Application of

[Ben. Act VII

# (Chapter V.—Supplementary Provisions.—Section 41.)

aerial ropeways constructed for the purposes referred to in section 28. whether constructed before or after the commencement of this Act:

Provided that, in the application of section 16 to any such aerial ropeway, for the words "the issue of an order under section 7" the words "the opening of the ropeway to traffic or the issue of a notification for the acquisition of, or an order for the temporary occupation of, land in accordance with the provisions of sub-section (1) of section 28, whichever is earlier," shall be deemed to be substituted.

- (2) Clauses (a), (c) and (e) of sub-section (1) and sub-section (2) of section 10 shall also apply to all such private aerial ropeways constructed after the commencement of this Act, and clause (b) of section 31 shall apply to such ropeways to the extent that section 10 applies thereto.
- (3) The Local Government, on the application of the promoter or otherwise, may declare that the provisions of section 28 and of sub-section (1) of this section shall apply to any private aerial ropeway or class of private aerial roneways for private traffic.

Power of Local Government Advisory Board for aerial rope-11835

- (1) The Local Government shall, by notification in the Calcutta Gazette, constitute an Advisory Advisory Board Board for aerial ropeways.
  - (2) Such Board shall consist of a Chairman to be appointed by the Local Government (who shall be a Chief Engineer to the Local Government) and two persons to be appointed by the Local Government as expert members.
  - (3) When any person is aggrieved by an order of the Local Government under section 7 or under section 21, such person, on payment of the prescribed fees, may, within thirty days of the said order, apply to the Local Government for revision of the same, and the Local Government shall take the advice of the Advisory Board in the prescribed manner and shall consider such advice and pass such orders in the matter as to the Local Government shall seem just and proper.
  - (4) With a view to enabling the Board to tender theiradvice under sub-section (3) the Board, with the

of 1923.]

# (Chapter V.—Supplementary Provisions.— Section 42.)

consent of the Local Government and on payment of such further feesus may be prescribed, may make such further inquiry into the matter as the Board may consider to be necessary.

- (5) The Local Government may, by general or special order,—
  - (a) define the further duties of, and regulate the procedure of, the Advisory Board;
  - (b) determine the tenure of office of the members of the Board; and
  - (c) give directions as to the payment of fees to, and the travelling expouses incurred by, any member of such Board in the performance of bis duty.
- **42.** (1) The Local Government may, after previous publication, make rules to carry out the government to purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—
  - (a) the conditions ander which licenses for the construction of aerial ropeways over mining properties shall be granted, including conditions as to the assessment and payment of compensation for loss caused by the interruption of the getting of minerals by reason of such construction and conditions as to the removal of any portion of the ropeway to another alignment, to be fixed by arbitration if necessary, if at any time in the opinion of the Local Government the ropeway interferes with the raising of minerals;
  - (b) the powers of an Inspector appointed under section II;
  - (c) the conditions under which and the manner in which the powers conferred on promoters by sub-section (1) of section 11 and sub-section (1) of section 15 may be exercised;

# [Ben. Act VII of 1923.]

# (Chapter V.—Supplementary Provisions.— Section 42.)

(d) the accidents of which notice shall be given to the Local Government and to the Inspector under clause (c) of section 20;

(e) the duties of the promoter's servants, policeofficers, and Magistrates on the occurrence

of an accident;

(f) the maximum and minimum rates which a promoter may fix under section 18:

(g) the standard dimensions and specifications with which the aerial ropeway is to con-

form:

- (h) the procedure for the disposal of applications under sub-section (2) of section 21 to re-open an aerial ropeway or part thereof and the conditions under which such ropeway may be rc-opened;
- (i) the manner of previous publication of by-laws made under section 27:
- (j) the intervals at which a promoter shall submit returns under section 36, and the forms in which such returns shall be submitted ;
- (k) the preparation, submission and auditing of
- the accounts of the promoter; (1) the method of arbitration for the settlement of disputes:
- (m) the manner in which notices under this Act shall be served;
- (n) the manner in which, and the conditions under which, the through booking of goods may be permitted between an acrial ropcway and a railway, trainway or another aerial ropeway;

(o) the safe and efficient working of aerial rope-

wavs:

(p) the fees to be charged to promoters and other persons in respect of licenses, applications. inquiries, inspection, and services rendered under this Act; and

(q) the procedure for filing, hearing and disposing of applications for revision under this Act, and the procedure for taking the advice of the Advisory Board.

(3) All rules made under this section shall be published in the Calcutta Gazette.

#### BENGAL ACT No. VIII OF 1923.

# THE BENGAL VILLAGE-CHAUKIDARI (AMENDMENT) ACT, 1923.71

[15th August 1923.]

An Act further to amend the Village-chankidari Act. 1870.

WHEREAS it is expedient further to amend the Ben, Act VI Village-chankidari Aet, 1870,\* in the manner hereinafter appearing :

It is hereby enacted as follows :-

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1. This Act may be called the Bengal Villagechaukidari (Amendment) Act. 1923.

Short title

- 2. For section 11 of the Village-chankidari Act, New abstituted 1870, the following shall be substituted, namely :
  - for section Bengal Act VI of
  - "11. The nanchauet of a village shall determine the number of chanki-Number of chauksdars. dars to be appointed for that village, subject to the approval of the District Magistrate.

Notwithstanding anything contained in this section, the number of chankidars, employed for any village on the day on which the Bengal Village-ebaukidari (Amendment) 1923, comes into operation, shall continue to be the same until altered under the provisions of this section."

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, see Calcutte Garette, 1923, Part 1V, p. 102, and for Proceedings in Council, see the Bengal Legislative Council Proceedings, 1923, Vol. XI, No. 1, pp. 162-163, and Vol. XII, pp. 87-101
<sup>2</sup> Bengal Code, Vol. II

Short title

#### BENGAL ACT No. IX of 1923.

# THE CALCUTTA IMPROVEMENT (AMENDMENT) ACT, 1923.]1

[19th September, 1923.]

An Act further to amend the Calcutta Improvement Act. 1911.

WHEREAS it is expedient further to amend the Calcutta Improvement Act, 1911, in the manner here-Ben Act V inafter appearing;

> And whereas the previous sauction of the Governor-General has been obtained, under section 80A, sub-section (3), of the Government of India Act, to the passing of this Act;

It is hereby enacted as follows:-

1. This Act may be called the Calcutta Improvement (Amendment) Act, 1923.

2. For section 54 of the Calcutta Improvement New section substituted for Act, 1911 (hereinafter referred to as the said Act), tho section 51 of Bengal Act V following shall be substituted, namely :-of 1911.

> "54. (1) Whenover any strect, building, or any sonare, or other land, or any part thereof, which-

Transfer to Board, for purposes of improvement scheme, of building or land vested in the Corporation or in the Commissioners of a Municipality (a) is situated in the Calcutta Municipality and is vested in the Corporation, or

(b) is situated in any part of any Municipality constituted under the Bengal Municipal Act, 1884, in which this section is for the time being in force, and is vested in the Commissioners of that Municipality,

is within the area of any improvement schemo and is required for the purposes of such scheme, the Board shall give notice accordingly to the Chairman of the Corporation or the Chairman of such Municipality, as the case may be, and sneh building, street, square, other land or part, shall thereupon vest in the Board subject in the case of any building or any land, not heing a street or square, to the payment of compensation, if any, to the Corporation or 10 such Commissioners, as the case may be, under sub-section (3).

10, V, c 61; 6 & 7 10 V, c 87, 9 & 10

1911.

10. V, c 101

Ben Act 111 f 1884.

<sup>1</sup> For Statement of Objects and Reasons, ore Colerna Gaissis, 1923, Part 18, pp. 731-731, and for Proceedings in Foundal, ore the Bongal legislative Control Proceedings, 1923, Vol. XI, No. 5, pp. 16-18, and Vol. XII, p. 63 and Vol. XIII, p. 63 and Vol. XIII, p. 63 and Vol. XIII, p. 64 and Vol. XIII, p. 65 and Vol. XIII, p.

Bengal Code, Vol 111

Ben. Act IX

# (Section 2)

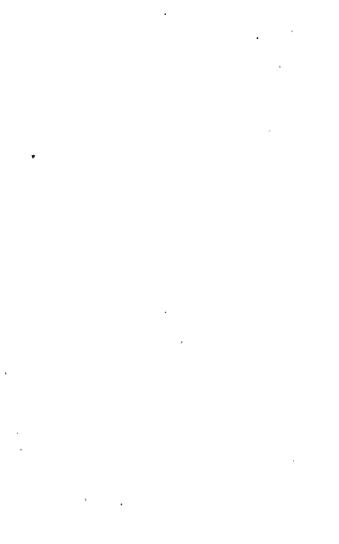
- (2) Where any land vests in the Board under the provisions of sub-section (1) and the Board make a declaration to the Corporation that such land will be retained by the Board only until it revests in the Cornoration as part of a street or an open space, under a declaration made by the Corporation under subsection (1) of section 65 or a resolution passed by the Board under sub-section (2) of section 65, as the case may be, no compensation shall be payable by the Board to the Corporation in respect of that land.
- (3) Where any land or building vests in Board under sub-section (1) and no declaration is made by the Board that the land will be so retained. the Board shall pay to the Corporation, or to the Commissioners, as the case may be, as compensation for the loss resulting from the transfer of such land or building to the Board, a sum equal to the market value of the said land or building at the time when the general declaration in respect of other lands included in the scheme is made under the provisions of section 6 of the Land Aequisition Act, 1894, as 1 of 1804 amended by this Act, and where any building, situated on land in respect of which a declaration has been made by the Board under sub-section (2), is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.
- (4) If, in any case where the Board have made a declaration to the Corporation in respect of any land under sub-section (2), the Board retain or dispose of the land contrary to the terms of the declaration, so that the land does not revest in the Corporation as contemplated under such declaration, like compensation shall be payable by the Board to the Corporation in respect of such land for the loss resulting from the non-transfer of such land to the Corporation, such compensation not to be less than the market value which would have been payable for the said land under the provisions of sub-section (3).
  - (5) If any question of dispute arises-
    - (a) as to whether compensation is payable under sub-section (3) or sub-section (4), or
    - (b) as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) or sub-section (4), or

#### THE CALCUTTA IMPROVEMENT (AMENDMENT) ACT, \$45 1923

of 1923.]

#### (Sections 3, 4.)

- (c) as to whether any building or street, or square or other hand, or any part thereof is required for the purposes of the scheme, the matter shall be referred to the Local Government, whose decision shall be find."
- 3. (1) In clause (ii) of sub-section (4) and in Amendment of sub-section (5) of section 78 of the said Act, for the section \$\varphi\$ words "four per cent," the words "six per cent," shall be substituted; and
- (2) to that section the following shall be added, namely:—
  - "(10) Notwith-tanding anything contained in clause (ii) of sub-section (4) or in sub-section (5) the rate of interest payable, under the provisions of that clause or that sub-section, as the case may be, shall be, or continue to be, four per cent, per annum in cases where the sum, in consideration of which the acquisition of the land has been abandoned, has been fixed under sub-section (3) before the date of the commencement of the Calcutta Improvement (Amendment). Act, 1923, and the agreement in respect of the payment of the same is executed before, on or within two months after, that date."
- 4. In section 79 of the said Act for the words Amendment of "four per cent." the words "six per cent." shall be section 19.
  substituted.



#### BENGAL ACT No. X OF 1923.

### THE BENGAL TENANCY (UTBANDI AMENDMENT) ACT, 1923.71

[19th September, 1923.]

- An Act to summlement and amend the Bengal Tenancy Act, 1885,2 in order to provide means whereby a uniform anmat money rent may be determined for utbandi tands and to make further provision in respect of such lands.

Preamble.

Whereas it is expedient to supplement and amend the Bengal Tenancy Act, 1885, in order to provide means whereby a uniform annual money rent may be determined for land held under the custom of utbandi or under any form of tenancy locally known as utbandi, and to make such other provisions as hereinafter appear in respect of lands for which a uniform annual money rent has been so determined;

And whereas the previous sanction of the Governor General under sub-section (3) of section 80A of the Government of India Act has been obtained to the passing of this Act:

It is hereby enacted as follows :-

VIII of 1885

5 & 6 Oeo V, c 61;

9 & 10 Ges

1. (1) This Act may be called the Bengal Tenancy Short title and (Utbandi Amendment) Act, 1923.

(2) It extends in the first instance only to the districts of Nadia, Murshidabad and Jessore, but the Local Government may, by notification in the Calcutta Gazette, extend it to any other district or part of a district in Bengal.

2. After section 180 of the Bengal Tenancy Act, Insertion of new 55. the following sections shall be inserted, sections 180A is 180E and 180C in 1885. the namely :--

VIII of 1885.

"180A. (1) Notwithstanding anything contained in section 180, when a Fixing ol unilorm annual money rent in respect of raivat who is or who but for the operation of section 180 in respect of land held under the eustom of ntbandi would have been, a settled raivat of the village, holds or has held under the enstom of utbandi, or under

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<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Reasons, see Cayosta fearette, 1923. Part 1V, pp. 701 and 301, and for Proceedings in Council, see the Bergal Legislative Council Proceedings, 1923, Vol. XII, pp. 67-76, and Vol. XIII, pp. 113-143.
<sup>3</sup> Bengal Code, Vol. 1.

[Ben. Act X

# · (Section 2.)

any form of tenancy locally known as utbandi land (hereinafter referred to as utbandi land), either the landlord or the raiyat may apply to have a uniform annual money rent detormined for the land.

- (2) The application shall include at the discretion of the applicant either—
  - (a) all ntbandi lands held in the same village by the same raiyat under the same laudlord in which the raiyat has acquired a right of occupancy whether under the provisions of section 180 or otherwise, or
  - (b) all the lands held in the same village under the same landlord by the raiyat which the raiyat, or any deceased person whose heir he is, has cultivated as utbandi land at any time during the preceding peried of six years if he or the said deceased person is the last person to have cultivated the land and has not or had not acquired occupancy ughts therein, or
  - (c) both.
- (3) Subject to the provisions of sub-section (2), a single application may be made by a landlord in respect of lands held as utbandi lands in the same village by one or more rayats under him and a joint application may be made by two or more raiyats in respect of lands held by them as utbandi lands in the same village under the same landloid.
- (4) The application may be made to the Collector or to a Subdivisional Officer or to a Revenue Officer appointed by the Local Government under the designation of Settlement Officer or Assistant Settlement Officer for the purpose of making a survey and record-of-rights under Chapter X or to any other officer specially authorised by the Local Government.

of 1923.]

#### (Section 2.)

- (5) The case may be determined by the officer who receives the application, or the Collector or the Settlement Ollicer may transfer it for disposal to some other officer competent under sub-section (4) lo receive applications.
- (6) The officer receiving the application or the officer to whom the case is transferred, as the case may be, shall cause notice to be given in the prescribed manner to the opposite party, and shall fix a date for the determination of the case. If the immediate landlord of the raivat is a temporary tenute-holder or ijaradar the officer receiving the application shall also give notice to the superior landlord in the lowest degree, who is a proprietor or permanent tenure-holder.
- (7) If the application is made in respect of lands in which the raivat has not acquired ocenpaney rights, the officer may reject it in respect of such lands, if he is satisfied in view of all the circumstances of the case that it is unreasonable to grant it:

Provided that a refusal shall be no bar to proceedings being again taken under this section after five years from the date of refusal if in the opinion of the officer who then receives the application the circumstances have in the meantime changed.

(8) If the application is not rejected, the officer shall then determine the sum to be paid as a uniform annual money rent, and also in the ease of lands in which the raivat has not acquired occupancy rights, a premium to be paid to the landlord, and he shall order that the raiyat shall, in lien of paying the cent for the land as utbandi land, pay the sum so determined and the premium, if any:

> Provided that in any case in which an order fixing a uniform annual money tent is passed ex parte the opposite party may within one month of the date of such order or, when the notice has not been duly

Ben. Act X

## (Section 2.)

served, within one month of the date of his knowledge of such order apply to the officer by whom the order was passed for an order to set it aside and, if he satisfies the officer that the notice of the application under sub-section (I) was not duly served on him or that he was prevented by any sufficient cause from appearing when the case was determined, the officer shall set aside the order and shall appoint a day for the determination of the case. No order shall be set aside on application made under this proviso unless notice thereof has been served on the respondent thereto.

(9) In making the determination of the sum to be paid as rent, the officer shall calculate the average of the amount that was actually paid or payablo as rent for the land for the previous six years and shall ordinarily declare the same as the sum to be paid as rent:

Provided that the officer may also take into consideration—

- (a) the average money rent payable by occupancy raigats for land of a similar description and with similar advantages in the vicinity;
- (b) the average rates for lands of a similar description and with similar advantages in the vicinity held as utbandi lands;
- (c) the average money rent payable for lands of a similar description and with similar advantages in the vicinity by raiyats who formerly paid their rent for those lands as atbandi lands but whose rents have been converted into uniform annual money rents whether under this section or by agreement or otherwise:
- (d) the charges incurred in accordance with custom by the landlord in

#### (Section 2.)

respect of the irrigation and drainage of the *utbandi* lands and the arrangements made for continuing those charges;

- (e) the rules laid down in this Act for the guidance of the Civil Courts in enhancing or reducing rents on account of the holdings of ocenpancy raiyats;
- (f) any sum agreed to by the parties to be naid as money rent:

Provided that the officer shall in no case determine a neut which is unfair or inequitable.

- (10) The premium to be paid to the landlord in the case of lands in which the raiyat has not acquired occupancy rights shall be three times the rent, or, if the application is made under clause (c) of sub-section (2), three times the portion of the rent determined under sub-section (3) on account of such lands.
- (11) If the immediate landlord of the raiyat is a temporary tenure-holder or ijaradar the officer shall apportion the premium payable under sub-section (10) between the said temporary tennre-holder or ijaradar and his superior landlord of the lowest degree who is a proprietor or permanent tenureholder in such manner as may appear fair and reasonable to the officer in view of all the eiteumstances of the case, and any sum so awarded to the said superior landlord shall be recoverable by him from the temporary tenure-holder or ijaradar or his successor in interest as an arrear of rem but shall not be recoverable by the superior landlord from the raivat.
- (12) The order shall be in writing, shall state the grounds on which it is made, and shall, in the absence of any special reasons to the contrary recorded in writing, take effect from the beginning of the agricultural year next after the date on which it is inside.

Ben. Act X

# (Section 2.)

- (13) The officer shall fix the date (not being more than one month from the date of the order) by which the premium shall be paid or he may, on the application of the raiyat, order that the premium shall be paid by instalments not exceeding three in number, that the first instalment shall be paid at the leginning of the agricultural year in which the rent settled under subsection (8) takes effect and that one of the remaining instalments shall be paid at the beginning of each of the succeeding agricultural years until the premium is paid in fall.
- (14) The premium or any instalment thereof shall be recoverable as rent and if the premium or any instalment thereof is not paid by the date fixed under sub-section (13) for the payment of such premium or instalment the landlord may make a requisition to the Collector for the recovery of the arrear of the same in the manner set forth in sub-sections (3) and (4) of section 158A, and the provisions of sub-sections (5) to (9) of that section shall apply to the recovery of the said arrear by the Collector as if it were an arrear of rent, recoverable by bim under the provisions of that section.

Interest shall not be payable on any instalment in respect of which default has not been made.

The Local Government may make rules prescribing the form of requisition to be made by a landlord under this sub-section and for carrying into effect the purnoses of this sub-section.

(16) Any order made under this section shall be subject to appeal in the manner provided in section 109A, unless the application has been made in the course of proceedings under Part II of Chapter X, in which case the provisions of sections 101G and 104H shall apply. of 1923,]

#### (Section 2.)

- (16) An application made nuder sub-section (1) may he amended if it appears at any time to the officer prior to the issue of the order under sub-section (7) or sub-section (8) or to the appellate or revisional Court that it does not comply with the provisions section (2) but that it can be brought into conformity with that sub-section, Such amendment may be made either on the initiative of the parties or either of them or of the afficer or Court but it shall not be made unless prior notice thereof is given to the parties, and, if such amendment is made, it shall be made only on such terms or conditions as to such officer or Court shall appear to be just
- (17) Notwithstanding anything contained elsewhere in this Act or in any other law, no suit shall be brought or application made in any Court in respect of any order passed under this section, save as is provided in this section.

180B. Whenever an order under section 180A is

Lands in respect of which a uniform annual money rent has been fixed under section 180A to cease to be atbands lands passed determining a uniform annual money rent for any lands, such lands shall ande to be held as utbandilands with effect from the

date from which the new rent takes effect, and the tenant shall hold them as an occupancy raiyat from the date of the order.

180C. (1) Where a uniform annual money rent has been fixed under section 180A. Period for which rent the said rent shall not, except on fixed under sec. ton 180A to remain unaltered the ground of 7.1 landlord s improvement or of a subsequent attention of the area of the holding, be enhanced for fifteen years; nor shall it be reduced for fifteen years, save on the ground of alteration in the area of the holding, or on the ground specified in clause (a) of sub-section (1) of section 38

(2) The said period of fifteen years shall be counted from the date on which the order takes effect under sub-section (12) of section 180A."

#### BENGAL ACT No. XI OF 1923.

# [THE CALCUTTA MUNICIPAL (No. II) ACT, 1923.]

[19th September, 1923.]

An Act to provide for certain matters in connection with the Budget Estimate of the Corporation of Calentia for the year 1924-25, the fixing of the rates at which the consolutated rate and the taxes for that year shall be twied and imposed and the arrangements to be made in connection with the raising of loans during that year, for the fixing of the percentage of the consolidated rate in respect of the added areas during the four succeeding years, and for the amendment of section 20 of the Calentia Municipal Act, 1923, in respect of the qualification of electors.

Preamble

WHEREAS it is expedient to give to representatives of the Commissioners of the municipalities which are to be included in Calcutta, under the provisions of the Ben.Actill Calcutt. Municipal Act, 1923, an opportunity of taking part in the framing and passing of the Budget Estimate of the Corporation of Calcutta for the year 1921-25, in the fixing of the rates at which the consolidated rate and the taxes for that year shall be levicd and imposed and in the arrangements that are to be made for the raising of any loan during that year, and so to provide for the framing and passing of the said Budget Estimate, the fixing of the said rate and the arrangements for the said loans;

And whereas it is expedient that the Corporation do fix for the year 1924-25 a favourable percentage in respect of the levy of the consolidated rate on lands and buildings in each of the areas added to Calcutta by the Calcutta Municipal Act, 1923, and that they have power to fix a special percentage in respect of the lands and buildings in any such areas during the four succeeding years;

And whereas it is expedient to amend section 20 of the said Act in respect of the minimum amount to be paid by a person as consolidated rate, tax or rent so as to entitle him to be an elector:

<sup>&</sup>lt;sup>1</sup> For Statement of Objects and Resions, ree Calcutta Gazette, 1923, Pr. 19, p. 291, and for Proceedings in Council, see the Bengal Legislative Council Proceedings, 1923, vol. XII, pp. 61-62, and Vol. XIII, pp. 166-205

\*\*List's, pp. 246-256.

[Bengal Act XI

#### (Sections 1-3.)

It is hereby enacted as follows:--

Short title and tent.

- 1. (1) This Act may be called the Calcutta Municipal (No. II) Act. 1923.
- (2) It extends to Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923.1

Ben Act II of 1923

Ben Act II

Notwithstanding anything contained in the Calcutta Municipal Act, 1899, or in the Calcutta Municipal Act, 1923,1 the Budget Estimate of the Corporation of Calcutta for the year 1924-25 for the purposes of the Calcutta Municipal Act, 1923, shall be prepared and passed, and the rates at which the consolidated rate and the taxes for the said year for the said purposes shall be levied and imposed shall be determined and fixed, and the sums of money, if any, that shall be borrowed in the said year for the said purposes shall be determined, in the manner set forth in sections 3 to 5.

Manner of preration and pasng of Budget timate of the lcutta Corporan for 1924-25,

ttee.

- Preparation of 3. (1) The Budget Estimate of income and exdget Estimate reference to penditure for the year 1924-25 of the Corporation of Calcutta to be constituted under the Calcutta Municipal Act, 1923,1 shall be prepared, with reference to the area specified in Schedule I to that Act and for the purposes of that Act, by the Chairman of the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1899, and the said Chairman shall, on or before the tenth day of January, 1924, place the same, together with a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the Calentta Municipal Act, 1923, in the year 1924-25, before the Corporation of Calentta as constituted under the Calentta Municipal Act. 1899, at a special meeting convened for the purpose, and the Corporation of Calentia, as so constituted, shall forthwith refer the said Budget Estimate and proposals for consideration to a Special Committee which shall consist of the following
  - (i) the Chairman of the Calcutta Corporation;

members:-

(ii) nine Commissioners of the Calentta Corporation to be elected by the Corporation at the said special meeting from among the ward Commissioners:

#### Section 3.)

- (tii) four Commissioners of the Calcutta Corporation to be elected by the Corporation at the card special meeting from among the appointed Commissioners;
- (iv) four Commissioners of the Cossipore-Chirpur Municipality, to be elected by the Commissioners of that Municipality at a special mesting held b force the first day of January, 1921
- (c) three Commissioners of the Maniktala Municipedity, to be effected by the Commissioners of that Municipality at a special incetting held before the first day of January, 1921; and
- (ri) two Commissioners of the Garden Reach Municipality, to be elected by the Commissioners of that Municipality at a special meeting held before the first day of January, 1921;

Provided that, if the Commissioners of any of the manicipalities referred to in clauses (iv), (iv) and (ii) fail to elect the full number of members to be elected by them by the first day of damary, 1921 the Local Government shall nominate a sufficient number of persons to complete the said number and such persons shall be deemed to be members duly elected by the said Commissioners.

- (2) The names of the members of the Special Committee shall be published in the Calcutta Gazette.
- (3) The Chairman of the Calcutta Corporation shall be Chairman of the Special Committee, and the procedure of the Special Committee shall be in accordance with the rules made for the business of Standing Committees of the Corporation of Calcutta.
- (4) The Special Committee, as so constituted, shall, on or as soon as may be after the tenth day of February, 1921, consider the estimates and proposals submitted by the Chairman of the Corporation and subject to such modifications and additions therein or thereto as they may think fit to make, shall prepare a Budget Estimate of income and expenditure of the Corporation of Calenta to be constituted under the Calenta Manicipal Act, 1923, for the year 1924-25, and shall propose the levy of the consolidated rate and other taxes for that year at such rates as they may deem necessary.

Ben Act 111

Bengal Act XI

Ben. Act

Ben. Act.

# (Sections 6-7.)

- (ii) the consolidated rate and taxes levied and imposed at the rates so determined and fixed shall be deemed to be the consolidated rate and taxes duly levied and imposed, and
- (iii) the loans, if any, incurred in accordance with the said decision shall be deemed to be loans duly incurred.

by the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1923, unless and until such of 1923. Budget Estimate, consolidated rate and taxes and decision in regard to loans are added to, modified or varied by that Corporation and in accordance with the provisions of that Act.

Power to Chairman to inspect and take extracts from documents, etc.

The Chairman of the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1899,3 and any officer of the said Corporation specially of 1879. empowered by him in this behalf shall from the commencement of this Act and notwithstanding anything contained in the Bengal Municipal Act, 1884, have power to inspect and take extracts from the assessment of 1891 books and other records of the Maniktula, Cossipore-Chitpur, Garden Reach and Tollygunge Municipalities for all or any of the purposes of this Act and of the Calcutta Municipal Act, 1923, and the Commissioners of the said municipalities shall render to the said Chairman and to any such officer all assistance that he may require for the said purposes.

Power to Cor-poration to fix lower percentage rate for the con-solidated rate in respect of lands and buildings in added areas our-ing the years 1925-26 to 1928-29.

7. Notwithstanding anything contained in the Calcutta Municipal Act, 1923,1 the Corporation, in fixing the rate at which the consolidated rate for any of the years 1925-26, 1926-27, 1927-28 or 1928-29 on lands and buildings in Calcutta generally shall be levied and imposed, may fix, in respect of the lands and buildings in any of the several areas referred to in sub-clauses (i) to (v) of clause (1) of section 3 of that Act, a rate at a lower percentage on the annual valuation than the percentage which is fixed for that year generally in respect of lands and buildings in Calentta.

<sup>1</sup> Arte, p. 175 2 Pengal Code, Vol. 111. 4 Bengal Code, Vol. 11.

of 1923.1

## (Section 8.)

8. In section 20 of the Calcutta Municipal Act. Amendment of rection 20 of the 1923.1-

Muni-Calcutta cipal Act, 1923

- (a) in sull-clause (a)—
  - (i) after the word "being", in the three places where it occurs, the words "or having been "shalt be inserted;
  - (ii) the first proviso shall be omitted:
  - (iii) for the second proviso the following shall be substituted, namely :-
    - "Provided that such payment has been made during and in respect of the year (or any portion of the year) last preceding the year in which the election is held.
- (b) for sub-clause (b) the following shall be substituted, namely :--
  - "(b) being or having been the occupier of any premises valued for assessment purposes under this Act or, in the case of the first general election held under this Act. under the Calcutta Municipal Act, 1899, or of a portion of any such premises has, at any time during the year last preceding the year in which the election is held. paid rent for such occupancy for at least six months during the said year at a rate not less than twenty-five rupees per mensem, and has on application to the Executive Officer bad bis name entered in a Register to be maintained for the purpose:

Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf; or."

- (c) for sub-chase (c) the following shall be substituted, ministy :-
  - "(c) being or having been, for not less than six consecutive months during the year last preceding the year in which the election in hold, the owner of a but in a bustee

[Ben. Act XI of 1923.].

(Section 9.) .

valued for assessment purposes under Chapter X, or, in the case of the first general election held under this Act, under the corresponding Chapter of the Calcutta Municipal Act, 1899, and on Ben Act III account of which a sum of not less than of 1899. twelve rupees has been paid during the said year in respect of the consolidated rate, has on application to the Executive Officer had his name entered in a Register to be maintained for the purpose:

Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf."

Power to re-

9. If any difficulty arises in assessing and levying a consolidated rate for the year 1924-25 in respect of any of the lands, or of the lands and buildings, in the areas added to Calcutta by the Calcutta Municipal Act, 1923,2 the Local Government, on the recommenda- of 1923 tion of the Corporation, may make such order as to them shall appear to be necessary in order to enable the Corporation to assess and levy a consolidated rate for that year in respect of such land or such land and building.

Any such order may modify the provisions of this Act and of the Calcutta Municipal Act, 1923, so far as to the Local Government shall appear to be necessary for carrying the order into effect.

Bengal Code, Vol. III. 3 Ante, p 425

# BENGAL ACT No. XII OF 1923.

# (THE ST. THOMAS' SCHOOL ACT, 1923.)

[19th September, 1923.]

An Act to provide for the management and future location of St. Thomas' School and for the making over of certain land for the compound of St. Thomas' Church in Calcutta to certain ecclesiastical authorities.

WHEREAS it is expedient, in order to place the affairs of St. Thomas' School in Calcutta (hitherto known as the Calcutta Free School) on a legal and stable basis, to provide for the management and future location of the said school and for the making over of certain land for the compound of St. Thomas' Calcutta to eertain authorities :

And whereas the previous sanction of the Governor-General has been obtained under section 80A, sub-6 Geo. section (3), of the Government of India Act, to the 51; 6 & 0, V, c, 9 & 10 passing of this Act;

It is hereby enacted as follows:-

V. o. 101.

#### Preliminary.

1. (1) This Act may be called the St. Thomas' School Act, 1923. (2) This section and section 2 shall come into force

**Ehort** Lit le and commences ment.

Preamble

nt once, and the remainder of the provisions of this Act shall come into force on such date as the Local Government may, by notification in the Calcutta Gazette, direct.

#### CONSTITUTION.

2. (1) The Governors of St. Thomas' School (hereinafter referred to as the Governors) shall be-

Constitution of the Otvernors

- (a) the Lord Bishop of Calcutta: (b) the Archdencon of Calcutta:
- (c) the Master of the Calcutta Trades Association for the time being .
- (d) one person of either sex to be nominated by the Bengal Chamber of Commerce:
- (c) one person of either sex to be nominated by the Anglo-Indian and Domiciled Enropean Association of Bengal;

The Statement of Objects and Reserve, see Calific a Galeria, Irred 15, 417, 10, 417,

[Ben. Act XII

# (Section 3.)

- (f) one European or Anglo-Indian Commissioner of the Corporation of Calcutta to be nominated by the Corporation: and
- (g) the following persons, of either sex, being members of the Church of England, namely:—
  - (i) one person to be nominated by the Governor General of India:
  - (ii) two persons to be nominated by the Governor of Fort William in Bengal;
  - (iii) one person to be nominated by the vestry of St. Paul's Cathedral, Calcutta;
  - (iv) two persons to be nominated by the vestry of St. John's Church, Calcutta; and
  - (v) one person to be nominated by the vestry of St. Stephen's Church, Kidderpore.
- (2) The Governors may at a meeting co-opt with themselves such persons, of either sex, not exceeding three in number, as they may consider necessary. Such persons shall be deemed to be Governors for the purposes of this Act.
- (3) If any of the bodies referred to in clauses (d), (e) and (f) and sub-clauses (iii) to (p) of clause (g) of sub-section (1) does not by such date as may be prescribed by the Local Government nominate the Governors mentioned therein, the Local Government shall nominate qualified persons to be such Governors, who shall be deemed to be Governors duly nominated by such bodies.
- (4) The names of the nominated and co-opted Governors shall be published in the Calcutta Gazette.

Incorporation of the Governors

3. The Governors shall be a body corporate by the name of the "Governors of St. Thomas' School" having perpetual succession and a common seal and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts and to do all acts consistent with this Act, which may in their opinion be necessary for, or conducive to, the carrying out of the purposes of the

of 1923.]

## (Sections 4-7.)

4. The nominated and co-opted Governors shall, save as is herein otherwise provided, hold office for a period of three years from the date of the publication of their names in the Calcutta Gazette:

Period of office of the Governor\*

Provided that the said period of three years shall be held to include any period which may elapse between the expiration of the said three years and the date of the publication of names of new Governors in the Calcutta Gazette:

Provided also that the nominated and co-opted Governors shall be eligible for re-appointment.

Quorum

- 5. (1) The quorum necessary for the transaction of husiness at meetings of the Governors shall be five.
- (2) No act of the Governors shall he invalid merely by reason of any defect or invalidity in the appointment of any nominated or co-opted Governor or hy reason of the number of Governors heing less than that prescribed hy section 2.
  - 6. If a nominated or co-opted Governor -

Power tappoint new

(a) dies, or

(b) is absent from the meetings of the Governors for more than six consecutive months, or

(c) desires to be disebarged, or (d) refuses to act or becomes incapable of acting.

the authority which nominated or co-opted him may in cases (b) to (d) declare his post to be vacant and

in eases (a) to (d) declare his post to be vacular and may in eases (a) to (d) nominato or eo-opt, as the case may be, a new Governor to fill such vacancy for the unexpired remainder of the term for which such Governor would otherwise have continued in office.

MANAGEMENT AND PROPERTY OF ST. THOMAS' SCHOOL.

7. From the date when this section comes into operation—

Change in the name of the school and vacation of office by existing Oovernors

(i) the Calcutta Free School shall he known as by St. Thomas' School, and

(ii) the term of office of all persons then acting as Governors of the school shall cease and the St. Thomas' School Society shall cease to have any connection with the management of the school.

[Ben, Act XII

# (Sections 8-10.)

Property to vest in the Oovernors.

8. (1) All property, movable or immovable, which at the date when this section comes into operation appertains to the Calcutta Free School or is held by or on behalf of the persons then acting as Governors of the school or by the St. Thomas' School Society for the purposes of the school (including the premises specified in the First Schedule) shall, together with any property movable or immovable which may thereafter be given, bequeathed, transferred or acquired for the purposes mentioned in section 11, vest as and from such date in the Governors of St. Thomas' School as constituted by section 3 for the purposes of the school;

Provided that the Governors shall apply any funds which up to that date have been held in trust for specific purposes in connection with the school including the funds set forth in the Second Schedule, and any funds which may thereafter be so held, to the purposes for which they are held in trust.

(2) All liabilities which at the said date have been incurred by the persons then or theretofore acting is Governors or by the St. Thomas' School Society for the purposes of the school shall be deemed to be, and are hereby declared thereafter to be, liabilities of the Governors of St. Thomas' School as constituted by section 3.

Powers to
Governors to
remove school
from present
site and dispose
of that site

9. The Governors are hereby authorised to carry out the removal of the school from the site in Free School Street, where it is in part located, to such other site or sites as the Governors may, with the sanction of the Local Government, determine and the Governors are hereby empowered in that behalf to sell, lease, mortgage, or otherwise dispose of the present premises in Free School Street and the site thereof and to acquire by purchase or otherwise a suitable site or sites and to creet buildings for the purposes of the school as the Governors may, with the sanction of the Local Government, determine.

Power to Governors of the Governors shall have power from time to one to delegate their nowers and time—

(a) to delegate, subject to such conditions as they think fit, any of their powers to subcommittees consisting of such Governors as they shall think fit:

ors to delegate
sheir powers and
to appoint
teachers and
officers.

of 1923.]

# (Sections 11-13.)

- (b) to appoint a Secretary and to fix his remuneration, if any : and
- (c) to appoint such persons as they shall think fit to employ for the purposes of the school school-teachers. masters, matrons, sergeants, clerks, officers and servants) and to fix their remuneration.
- 11. The purposes of St. Thomas' School are St. hereby declared to be as follows and, save as is other- School wise herein provided, all property vested in the Governors by or under this Act shall be deemed to be held in trust for the said purposes and not otherwise :—

Thomas'

- (1) the maintenance of un efficient school, and
- (2) the provision of a sound education, with religious instruction in accordance with the principles of the Church of England, for the children of Europeans and Anglo-Indians:
- Provided that in the interpretation of the terms "European" and "Anglo-Indian" the Governors shall have due regard to any definition of those terms which may be included in the Code of Regulations for Enropean Schools
- 12. The Governors shall not be precluded by any provision in this Act from conforming to any regulations which the Local Government may impose as the form conforming to regulations which the Local Government may impose as the conditions of a grant of money to the school.

MAKING OVER OF LAND FOR THE COMPOUND OF ST. THOMAS' CHURCH.

13. (1) The Governors are further authorised in st. such manner as they deem fit to make over to and church to vest in, the Lord Bishop of Calcutta and the Archdeacon of Calentta conjointly such land (the property of the Governors), adjacent to St. Thomas' Church and not exceeding, when taken together with the land consecrated with the St. Thomas' Chnrch bnilding, two bighas in all, as they may deem to be necessary for the convenient user of that Church for the purposes of the Chnrch of England.

(2) The boundaries of snch land shall be delineated on the ground and appreved by the Local Government before action is taken by the Governors under snb-section (1).

Compound of

[Ben. Act XII

# (Sections 14, 15.)

# PROVIDENT FUND.

Power to Governors to establish a provident fund or funds,

14. The Governors may, with the approval of the Local Government, establish a provident fund or provident funds for the benefit of their teachers, other officers or servants (appointed in accordance with the provisions of this Act) and may compel all or any of such teachers. officers and servants to contribute to, and may make supplementary contributions to, such provident fund or funds and make payments thereout in accordance with the rules of such fund or funds.

### RULES.

rower to Govern. 15. The Governors may from time to time make or to make rules for any of the following purposes, namely:—

- (α) for their own guidance and for the conduct of their business:
- (b) to determine the persons by whom orders for payment of money, contracts, transfers and other documents may be signed on behalf of the Governors;
- (c) for the management and control of the school in all its departments, including any hostel that may be established in connection with the school:
- (d) regulating the proceedings of sub-committees;
- (e) prescribing the rates and the conditions under which contributions may be paid by the Governors and their officers, teachers and servants to the provident fund or funds which may be established under section 14, and determining the conditions of payments from such fund or funds.

(The First and Second Schedules.)

#### THE FIRST SCHEDULE.

## (See section 8.)

(1) With the exception of the St. Thomas' Church building and the land consecrated therewith, measuring one hundred and eighteen feet by fifty-nine feet. of 1923,

# The First and Second Schedules-concld.

the site with buildings thereon known as the Calentta Free School, situated at 58. Free School Street. 28, Marquis Street, and 6. Marquis Laue, Calentta, measuring about thirty-one bighas, and bounded as follows:—

- "On the north by pacea houses, a small Church known as St. Joseph's (Madrasi) Chapel and Market Street; on the south by a house and Marquis Street; on the east by a house and Collin Street (formerly called Collinga Bazar Street); and on the west by Free School Street."
- (2) The leasehold of the land and buildings, known as Kidderpore Honse, situated on 4. Diamond Harbour Road, in Kidderpore in the district of the 21-Parganas, containing an area of twenty-one decimal mought four acres or thereabouts, and bounded as follows:—
  - "On the north by St. Stephen's Church compound and Government land of the Cattle Market, on the north-east corner by the Orphangunge Road; on the east by the premises of the Zoological Gardens and the Meteorological Observatory compound; on the south by the land of the lines of the Covernor's Body Gaad; and on the west by the compound of St. Stephen's Paisonage and Diamond Harbour Road."

# THE SECOND SCHEDULE

(See section S.)

# LIST OF PUNDS

- 1. Provident Fund.
- 2. Retiring Allowance Fund.
- 3. Apprentice Fund.
- 4. Thompson "Rex Ludorum " Fond.
- 5. Samuel Benjamin Taylor Fund.

# BENGAL ACT No. XIII OF 1923.

# [THE CALCUTTA SUPPRESSION OF IMMORAL TRAFFIC ACT, 1923.]

[19th September, 1923.]

An Act for the suppression of Immoral Traffic in the town and suburbs of Calcutta and in the Port of Calcutta.

WHEREAS it is expedient to make better provision for the suppression of brothels, of the traffic in women and girls and for other purposes of a like nature in the town and suburbs of Calentia and in the Port of Calentia;

Geo. AND WHEREAS the previous sauction of the \$\frac{6}{6}.\frac{A}{5}\] Governor General has been obtained under sub-section \$\frac{6}{6}.\frac{A}{5}\], (3) of section \$0A of the Government of India Act to the passing of this Act;

It is hereby enacted as follows :-

Act IV

L Act II

of 1908,

1. (1) This Act may be called the Calcutta Suppression of Immoral Traffic Act, 1923.

Short title, commencement, and extent.

- (2) It shall come into force on such date as the Local Government may, by notification in the Calcutta Gazette, direct.
  - (3) It extends to Calcutta as defined in section 2.
- 2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

- "brothel" means any house, room or place
  which the occupier or person in charge
  thereof habitually allows to be used by
  any other person for the purposes of
  prostitution;
- (2) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, and the Port of Calcutta as defined by notification under section 5 of the Indian Ports Act, 1908;

For Statement of Objects and Resson, see Colcutta Gazette, 1923, Pt. IV, p. 214, and for Proceedings in Conneil, see the Bengal Legislative Conneil Proceedings, 1923, Vol. XI, No. 1, pp. 522-534, and Vol. XII, pp. 116-125, and Vol. VIII on 226-294 and pp. 479-434

[Ben. Act XIII

# (Section 3.)

- (3) "Commissioner of Police" means the Commissioner of Police for the town and suburbs of Calcutta:
- (4) the words "public place" and "street" have the meanings assigned to them by section 3 of the Calcutta Police Act, 18661;

(5) " prescribed " means prescribed by rules made

under section 13.

Ben. IV of 1866

Paner to order discontinuance of house, etc, as brothel, etc

- 3. (1) When the Commissioner of Police receives information that any house, room or place-
  - (a) is being used as a brothel or disorderly house, or for the purpose of carrying on the business of a common prostitute, in the vicinity of any educational institution or of any boarding house, hostel or mess used or occupied by students, or of any place of public worship or recreation, or
  - (b) is used as, or for the purpose, aforesaid to the annovance of respectable inbabitants of the vicinity, or
  - (c) is used as, or for the purpose, aforesaid on any main thoroughfare which has been notified in this behalf by the Local Government on the recommendation of the Corporation of Calcutta, or
  - (d) is used as a common place of assignation,

he may cause a notice to be served on the owner, lessor, manager, lessee, tenant or occupier of the house, room or place or all of them, to appear before him, either in person or by agent, on a date to be fixed in such notice, and to show cause why, on the grounds to be stated in the notice, an order should not be made for the discontinuance of such use of such house, room or place.

(2) If, on the date fixed, or on any subsequent date to which the hearing may be adjourned, the Com-missioner of Police is satisfied, after making such inquiry as he deems fit, that the house, room or place is used as described in clause (a), (b), (c) or (il) of subsection (1), as the case may be, he may direct, by order

of 1923.]

## (Section 3.)

in writing on such owner, lessor, manager, lessee, tenant or occupier, that the use as so described of the house, room or place be discontinued from a date not less than fifteen days from the date of the said order and be not thereafter resumed.

- (3) No house, room or place, concerning which again be used, or be allowed to be used, in any manuer described in clause (a), (b), (c) or (d) of sub-section (1), as the ease may be, and the Commissioner of Police, if he is satisfied, with or without further inquiry, that such house, room or place is again used in such manner, may, by order in writing on the owner, lessor, manager, lessee, tenant or occupier of such house, room or place, direct that the use as so described of such house, room or place he discontinued within a period of seven days and be not thereafter resumed.
- (4) For the purposes of this section the decision of the Commissioner of Police that a house, room or pluce is used in any manner, or for any purpose, described in clauso (a), (b), (c) or (d) of sub-section (1) shall be flual, and the legality or propriety thereof shall not be questioned in any trial or judicial proceeding in any Court.
- (5) Whoever, after an order has been made by the Commissioner of Police under sub-section (2) or sub-section (3) in respect of any house, room or place, uses, or allows to be used, such house, room or place in a manner which contravenes such order after the period stated therein, shall be punished with fine which may extend to fifty rapees for every day after the expiration of the said period during which the breach continues, and shall, ou a second conviction for the same offence, be punished with imprisonment for a term which may extend to six months in addition to, or in lieu of, any fine imposed.
- (6) For the purpose of an inquiry under this section the Commissioner of Police may depute a Deputy Commissioner of Police to make a local investigation, and may take into consideration his report thereou.
- (7) The Commissioner of Police shall maintain a register in which shall be entered a description of all houses, rooms and places in respect of which an order

Ben. Act XIII

# (Section 4.)

has been made under this section. Such register shall be onen to inspection by the public on payment of the prescribed fee.

(8) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which an order has been made on the lessee, tenant or occupier thereof directing the discontinuance of the use thereof as a brothel or disorderly house or for the purpose of carrying on the business of a common prostitute, or as a common place of assignation, shall be entitled forthwith to determine such lease, tenancy or occupation.

Removal disposal of muor girls found in brothels, etc

- (1) The Commissioner of Police, or a Deputy Commissioner of Police, or a police-officer not below the rank of Inspector, specially anthorised in writing in this behalf by the Commissioner or a Deputy Commissioner of Police, shall have power to enter into any brothel or disorderly house or house of assignation, in which he has knowledge or suspicion, or has reason to believe from a report made to him that a girl, apparently under the age of sixteen years, is living or is earrying on, or is being made to carry on, the business of a prostitute, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or house of assignation.
- (2) A girl who has been so removed shall be brought before a Juvenile Court constituted under section 37 of the Bengal Children Act, 1922, and the Court shall cause an inquiry to be made in the manner of 1922. provided in sub-section (3) of section 27 of that Act and, if satisfied that the girl is under sixteen years of age and that she should be dealt with as hereinafter provided, may make an order that such girl be placed in suitable custody in the prescribed manner until she attains the ago of eighteen years or for any shorter neriod.
- (3) For the determination whether a girl produced before a Court under the provisions of this section is . under sixteen years of age, the provisions of section 38 of the Bengal Children Act, 1922,1 shall apply.

Ben, Att

of 1923,]

## (Sections 5-8.)

5. When a girl has been removed from a brothel or disorderly house or house of assignation under the castody removed provisions of sub-section (1) of section 4, the Commis- brothels, etc. sioner or Deputy Commissioner of Police or other police-officer carrying ont the removal shall, until such girl can he brought before the Court, and until the Court makes an order under snb-section (2) of section 4 or otherwise disposes of the case, canselver to he detained in such place (other than a police-station or jail) as may he prescribed in this hehalf by the Local Government.

6. (1) Any male person who knowingly lives, Punishmen bring on wholly or in part, on the earnings of prostitution earnings shall he punished with imprisonment which may prostitution. extend to three years, or with whipping, or with hoth of these punishments and shall also he liable to a fine which may extend to one thousand rapees.

- (2) Where a male person is proved—
  - (i) to he living with, or to he habitually in the company of, a prestitute, or
  - (ii) to have exercised control, direction or infinence over the movements of a pros-

in such a manner as to show that he is aiding, abotting or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

7. Any person who induces a woman or girl to Procuration go from any place with intent that sho may, for the purposes of prostitution, become the inmate of, or frequent, a hrothel, shall be punished with imprisonment which may extend to three years, or (if a male) with whipping or (if a male) with both of these punishments, and shall also be liable to fine which may extend to one thousand rupees.

8. Any person who brings or attempts to bring, Punishment to or causes to be bronght, into Calentta any woman or importing worsa girl with a view to her carrying on, or being brought totion. up to carry on, the husiness of a prostitute, shall be punished with imprisonment which may extend to